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Hiſtorical Collections

For the Year 1639.

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The Arch-Biſhop of Canterbury's *Diary.*

March 27.

Wedneſday, Coronation day, King *Charles* took his Journey Northwards againſt the Scotiſh Covenanting-Rebels. *God of his infinite Mercy bleſs him with Health and Succeſs.*

April 3. *Wedneſday*, Before the King's going, I ſetled with him a great Buſineſs for the Queen, which I underſtood ſhe would never move for her ſelf. The Queen gave me great thanks; and this day I waited purpoſely on her, to give her thanks for her gracious acceptance. She was pleaſed to be very free with me, and to promiſe me *freedom.*

April 29. *Monday*, This day the King went from *York* towards *Newcaſtle*, but ſtays at *Durham* for a week at leaſt.

May 28. His Majeſty encamped two miles Weſt from *Berwick* by *Tweed.*

June 4. *Whitſun-Tueſday*, As I was going to do my Duty to the Queen, an Officer of the Lord Mayors met me, and delivered me two very Seditious Papers, the one to the Lord Mayor and Aldermen, the other to excite the Apprentices, *&c.* both ſubſcribed by *John Lilburn* a Priſoner in the *Fleet*, ſentenced in *Star-Chamber*, &c.

June 5. *Wedneſday*, I delivered both theſe to the Lords of the Council.

June 15. *Saturday*, and *June* 17. *Monday*, The Peace concluded between the King and Scotiſh Rebels; *God make it ſafe and honourable to the King and Kingdom.*

June 28. *Friday*, I ſent the remainder of my Manuſcripts to *Oxford*, being in number 576, and about a hundred of them were *Hebrew*, *Greek*, *Arabick*, and *Perſian*; I had formerly ſent them above 700 Volumes.

Auguſt 1. *Thurſday*, His Majeſty came back from the Northern Journey to *Theobalds*, and to *Whitehall.*

Auguſt 3. *Saturday*, Many Varieties ſince the Aſſembly held and ended in *Scotland*; The Biſhops thruſt out, the Parliament there ſitting.

October 11 and 12. *Friday* and *Saturday*, The *Spaniſh* Navy was ſet upon by the *Hollanders* in the *Downs*; the Fight began to be hot when they were paſt *Dover*; they were in all near ſixty Sail. The *Spaniards* ſuffered much in that Fight, *not without our diſhonour*, that they ſhould begin the Fight there; but this is one of the Effects of the *Scotiſh* Darings.

An. 1639.

December 2. *Monday*, A. Sh. my Chirurgeon in truſt, gave me great and unexpected eaſe in my great Infirmity; but after the Weakneſs continued.

December 5. *Thurſday*, The King declared his Reſolution for a Parliament, in caſe of the *Scotiſh* Rebellion. The firſt Movers to it were my Lord *Deputy* of *Ireland*, my Lord Marqueſs *Hamilton*, and my Self. *And a Reſolution voted at the Board, to aſſiſt the King in extraordinary ways, if the Parliament ſhould prove peeviſh, and refuſe*, &c.

January 24. *Friday* at night, I dreamed that my Father (who died 46 years ſince) came to me, and to my thinking he was as well and as chearful as ever I ſaw him. He asked me what I did there? And after ſome Speech, I asked him how long he would ſtay with me? He anſwered, He would ſtay till he had me along with him. I am not moved with Dreams, yet I thought fit to remember this.

January 26. *Sunday*, I received the Queens gracious aſſurance of her Favour, in the Buſineſs which his Majeſty had committed to me with others.

At *Whitehall*, *March* 26. 1639.

His Majeſty's Inſtructions to his Privy-Council, before he went from London *to* York.

The Lords to attend the Queen's Majeſty on *Sundays*, in his Majeſty's abſence.

'THis day his Majeſty did recommend unto their Lordſhips, the 'care of the Queen's Majeſty, and the Prince, and his other 'Children in his abſence, with direction to attend her every *Sunday* 'whiles ſhe ſhall remain hereabouts; and if ſhe ſhall go further off, 'to *Oatlands*, or ſuch, or a greater diſtance for any long time, then 'likewiſe to attend her, as conveniently their Lordſhips may, though 'not ſo frequently; and that nothing that ſhall be fit for her be want-'ing or neglected.

King's Inſtructions to the Privy-Council in his abſence.

'Next, His Majeſty did recommend to their Lordſhips, to give 'notice to all Lord Lieutenants, and Deputy Lieutenants, to reſort 'to, and remove within the Limits of their Lieutenancies, except ſuch 'of his Privy-Council as are appointed to ſtay here; and the Earl of '*Bridgwater* is to go, as ſoon as conveniently he can, into his Preſi-'dency, to give notice likewiſe to all Governors of Iſlands and Forts, 'to repair to their Commands; or in caſe they are otherwiſe employed 'in his Majeſty's Service, to ſend able Deputies upon the Places, and 'ſuch for whom they will be anſwerable.

March the 27*th*, Coronation day, his Majeſty took his Journey Northwards againſt the *Scots*; there went with him in his Coach the Duke of *Lenox*, and Earl of *Holland*, and arrived at *York* the 30*th* of *March*. To whom Sir *Thomas Widdrington*, Recorder of *York* and *Berwick*, made this following Speech.

Moſt

15 Caroli.

Moſt Gracious and Dread Soveraign,

'BE graciouſly pleas'd to pardon this ſtay, that we, the leaſt and meaneſt Motes in the Firmament of your Majeſty's Government, ſhould thus dare to cauſe you (our Bright and Glorious Sun) to ſtand: Give us leave, who are the Members of this Ancient and decay'd City, to make known unto your Majeſty (even our Sun it ſelf) where the Sun now ſtands. March 30.

§ In the City of *York.* §

'which (like an ill-drawn Picture) needs a Name: A Place ſo unlike it Self, that we may boldly ſay, *Niobe* was never ſo unlike *Niobe*; never Old Man ſo unlike himſelf, himſelf being young, as is the City of *York* unlike the City of *York*; heretofore an Imperial City, the Place of the Life and Death of the Emperor *Conſtantius Chlorus*, in whoſe Grave a Burning Lamp was found many Centuries of Years after. The Place honoured with the Birth of *Conſtantine* the Great; and with the moſt noble Library of *Egbert*.

'I might go farther, but this were only to ſhew, or rather ſpeak of Ancient Tombs.

'This City was afterwards twice burn'd, ſo that the very Aſhes of theſe Antiquities are not now to be found: And if later Scars had not defaced our former Glory; what was it truly in reſpect of what we now enjoy?

'The Births, Lives, and Deaths of Emperors, are not ſo much for the Honour of *York*, as that King *Charles* was once Duke of *York*. Your very Roial Aſpect ſurmounts our former Glory, and ſcatters our later Clouds.

'It's more honour for us, that King *Charles* hath given us a new Life, Nativity and Being, by a moſt benign and liberal Charter, then that *Conſtantine* the Great had his firſt Being here. And for the Lamp found in the Grave of *Chlorus*, your Majeſty maintains a Lamp of Juſtice in this City, which burns more clearly than that of *Chlorus*, and ſhines into five ſeveral Counties, at which each Subject may light a Torch, by the lightneſs whereof he may ſee his own Right, and find, and taſte part of that ſweet and wholſom Manna here at his own Door, which drops from the influence of your Majeſty's moſt juſt and gracious Government.

'So that if the Library of *Egbert* were now extant among us, that very *Idea* of Eloquence, which the moſt skilful Orator could extract out of it, would not be able to expreſs what we owe to your Majeſty, there being not any acknowledgment anſwerable to our Obligations: For beſides all this,

'The Beams and Lightnings of thoſe Eminent Vertues, Sublime Gifts and Illuminations wherewith you are endowed, do caſt ſo forcible Reflections upon the Eyes of all Men, that you fill, not only this City, this Kingdom, but the whole Univerſe with ſplendor.

'You have eſtabliſhed your Throne upon two Columns of Diamond, Piety and Juſtice; the one gives you to God, the other gives Men to you, and all your Subjects are moſt happy in both.

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'For our Selves, moſt gracious King, your Majeſty's humbleſt and 'meaneſt Subjects, Obedience, the beſt of Sacrifices, is the only Sa-'crifice which we have to offer to your moſt Sacred Majeſty. Yet 'vouchſafe to believe (moſt mighty King) that even our Works, ſuch 'as they are, ſhall not reſemble thoſe Sacrifices whereout the Heart is 'taken, and whereof all the Head, nothing is left ſaving only the 'Tongue; our Sacrifice is that of our Hearts, not of our Tongues.——

The King's Attorney General, by Relation of the Lord Wentworth, *Lord Deputy of* Ireland, *againſt the Lord* Mountnorris, *Sir* Pierce Crosby *and others.*

'THe Defendants are charged for raiſing and divulging Scandals of 'the Lord Deputy of *Ireland*, giving out as if he was guilty of 'the death of one *Eſmond*, proceeding from Sir *Pierce Crosby*'s malice, 'who drew unto his Confederacy the other Defendents; who all re-'pining at the Lord Deputy, reſolved generally to make uſe of the 'Death of one *Eſmond* a ſick and infirm Man, who died in the *10th* 'Year of the ſaid King; and in the *11th* Year they tell his Wife, That 'the Lord Deputy gave him divers ſtroaks; and they got her into 'their Confederacy, and tell her, The Complaints will be well recei-'ved in *England*, offering her 1000 *l.* to come over.

'To this Sir *Pierce Crosby* pleaded not guilty.

'The Lord *Mountnorris* in his Anſwer ſaid, He was ſenſible of the 'Charge, that he ſhould be a Perſon ill-affected to his Majeſty's Ser-'vice, and pleaded not guilty to all the Offences.

'The Wife ſaid, ſhe heard a report, That her Huſband received 'ſeveral blows from the Lord Deputy, and that he died a few days 'after, that ſhe made her moan to the Lord *Eſmond*.

'*Marcus Cheevers* ſaith, That Sir *Pierce Crosby* asked him what he 'heard of the Blows given by the Lord Deputy to *Robert Eſmond?* 'and ſaid, There was a report of it at the Lord *Eſmond*'s Houſe; and 'Sir *Pierce Crosby* in a Letter writes, That the Lord *Eſmond* did firſt 'raiſe the Report, and firſt encouraged *Margery* to complain.

'*Richard* and *William Eſmond* pleaded not guilty.

'*Walter Fitz-Harris* anſwered, That he delivered the Meſſage from 'Sir *Pierce Crosby* to *Margery Eſmond*, to ſuch Effects in the Informa-'tion, and to all Offences pleaded not guilty.

'*Lawrence Archer*'s Anſwer was read, but pleaded not guilty.

'*William Holloway* his Anſwer read, who was preſent when the Lord 'Deputy committed *Eſmond*, and ſaid, He believes he did *Eſmond* no 'wrong; and to all Offences pleaded not guilty.

'The King's Attorny General deſcended to Proof, and declared, 'That Sir *Pierce Crosby* was the Forger of the Accuſation, and that it 'will be proved *Eſmond* died of other Wounds, that no Blow was 'given by the Lord Deputy.

'Then the Depoſition of *Margery Turner* was read, who ſaith, That 'Robert *Eſmond* her late Huſband, long before his Death, was woun-'ded in his Back with a ſmall Knife by one *Egerton*; and that the ſaid '*Eſmond*, after the Wound, ſpitted Blood for about a Year before he 'died; and that he had alſo a *Cough of the Lungs* about ſeven Years, and 'died of a *Conſumption*.

'*Lawrence*

15 Caroli

'*Lawrence* Lord *Eſmond* being examined, ſaith, That *Robert Eſ-*
'*mond*, ſix or ſeven Years before his Death, received a Wound in his
'Back with a Knife by one *Egerton*; and that he was not of a weak
'or ſick Conſtitution before his Death; and that he and other his
'Friends conceived the ſaid Wound to be the cauſe of his Death.

'*Walter Fitz-Harris* depoſed, That he told the Defendent *Margery*
'to go into *England*, to take part againſt the Lord Deputy; and that
'he promiſed her that Sir *Pierce Crosby* ſhould give her 1000 *l.* to go
'and make complaint of the Death of her Huſband; and told her,
'That he was ſent for that purpoſe into *Ireland* by Sir *Pierce Crosby*,
'and ſhe ſeemed willing to come into *England*.

'*Richard* repair'd to *Robert* in his Sickneſs, and asked him, Whether
'he had any ſtroak from the Lord Deputy? and ſaid, He had recei-
'ved no ſtroak from the Lord Deputy upon his Salvation; He alſo ſaid,
'That *Margery Turner* came to his Lodging, and complained of the
'loſs of her Huſband, and ſaid, She had bin ſent for by a Meſſenger,
'which ſaid, He came from my Lord *Mountnorris*, Sir *Pierce Crosby*,
'and *Marcus Cheevers* to come and ſpeak with them; and the Exami-
'nant conceived they ſent for her, to perſwade her to go into *Eng-*
'*land* to complain.

'Sir *Philip Manwairing* ſaith, He was preſent when *Eſmond* was
'brought to the Lord Deputy, *Eſmond* was charged with Contempt,
'in refuſing to take a-board the King's Timber, and taking in other
'Timber; the Lord Deputy ſhook his Cane at *Eſmond*, and ſaid, He
'would teach him better Manners; but whether he touched him or
'not he cannot Depoſe.

'Sir *Philip Manwering* further ſaid, That the Lord *Eſmond*, Lord
'*Mountnorris*, and Sir *Pierce Crosby* were of the Privy-Council in *Ire-*
'*land*, and Sir *Pierce Crosby* renewed about the end of the laſt Par-
'liament the Oath of a Privy-Counſellor.

'*Joſhua Carpenter* ſaid, That about *November* 1634, that *Eſmond*
'was preſſed to carry Timber, and refuſed it, ſaying, He had under-
'taken to carry Timber for the Uſe of the Lord Chief-Juſtice, that
'the Lord Deputy ſhook his Cane, but whether touched him with it
'or not, he knows not; but the Lord Deputy committed *Eſmond* for
'neglect of the King's Service.

'*Jeremy Woodworth* ſaith, That *Eſmond* was troubled with a vio-
'lent Cough, but went quickly over; and when he viſited him in
'Priſon, he heard him not complain of any Blow, though he asked
'him if the Lord Deputy did ſtrike him? but *Eſmond* anſwered, He
'did not, but only ſhaked a Cane over his Shoulders, but he felt no
'harm, that he would not have hidden it if he had beaten him. That
'*Cheevers* ſaid, that day that *Eſmond* died, Did not I tell you he would
'die of the ſtroaks the Lord Deputy gave him?

'Sir *Francis Wortly* ſaith, That Sir *Pierce Crosby* ſaith, That the Lord
'Deputy had a hard heart in *Ireland*, he ſtruck *Eſmond*, and commit-
'ted him to Priſon, and two or three days after he died, and on his
'Death-bed ſaid, he died of the Blows given by the Lord Deputy.

Sir

An. 1639.

Sir Pierce Crosby *Defendent.*

'*William Atkins Interrog.* firſt, About *November* or *December* 1634. '*Robert Eſmond* was brought before the Lord Deputy, who committed 'him to *Dublin* Caſtle; *Atkins* was preſent when *Eſmond* was convented, the Lord Deputy was angry with him, and ſaid, *Sirrah, Sirrah,* 'and ſtruck *Eſmond* on the Head and Shouldiers, three or four ſtroaks 'with a Cane, and then committed him.

'Immediately after *Robert Eſmond*'s Death, he heard *Richard Roach,* 'and divers others report, That the ſaid ſtroak occaſioned it; that 'he did daily viſit *Robert Eſmond,* and he ſtill complained of the 'blows; and that this Deponent's Wife anointed his Shoulders; He 'often wept and grieved, and he would often ſay, His Heart was 'broken.

'*Richard Roach* ſaith, That *Eſmond* was in Priſon about ſix days 'and a half; daily complained and refuſed ordinary Food.

'*William Holloway* ſaw the Lord Deputy ſtrike three or four ſtroaks 'over the Pate with a Cane, agreeing with *Eſmond*'s Relation.

'That in *November* or *December* 1634, he being a Priſoner in *Dub*'*lin*-Caſtle; *Robert Eſmond* told him, That he had bin convented be'fore the Lord Deputy, and committed, by reaſon that after his Bark 'was laded for the Lord Chief Juſtice, he refuſed to take in the Lord 'Deputy's Timber, which he could not have taken, in reſpect of the 'length.

'*Eſmond* further ſaid to this Deponent, That the Lord Deputy had 'made him *Knight of the Cane*; and complained of the ſtroaks the 'Lord Deputy had given him, and wiſhed them to feel what ſwellings 'he had in the hinder part of his Head, and this Deponent felt ſeve'ral knots and ſwellings by his Ears: He lay in Priſon about ſix days 'and a half, and daily complained, and refuſed ordinary Food; and 'from his commitment to his death, he did more and more languiſh; 'and at his going out of the Caſtle, he ſhook his Head towards it, and 'ſaid, *He might thank the Lord Deputy for that.*

'*William Holloway* agrees with the ſame Depoſition.

'*William Eſmond* ſaith, That in *July* 11. *Car.* I. Sir *Pierce Crosby* 'and Lord *Mountnorris* were at *Wexford*, and then and there Sir *Pierce* 'did ſpeak of ſuch Reports as is before depoſed, that it was no Crime; 'and they did inquire of *Eſmond*'s Wife, but no Proof that ever 'they ſpoke with her till the Information was exhibited.

After the reading of a few more Depoſitions, and Mr. Attorney General's Reply in this Cauſe, and magnifying the Worth and Merit of the Lord Deputy, and ſhewing the improbability of any Truth in the Defendents Witneſſes, the Court proceeded to Cenſure.

Some

May 22. 15. Car. Regis, 1639.

Some Passages of the Lord Cottington's *Sentence, at the hearing of the Cause between the King's Attorney General Plantiff; Sir* Pierce Crosby *and others Defendents.*

'THat there lay a necessity upon the Lord Deputy to bring this 'Cause to a Hearing, else he had not done Right to his own Ho-'nour, and the King's Service, nor to his Posterity, and he had great 'reason to expect Satisfaction from the Court. That he blames not all 'the Council at the Bar, who pleaded for the Defendents, but blames 'him that made Defence, in way of Justification of the Scandal, after '*not guilty* pleaded; and leaves it to the Court, whether it be not fit 'to repair the Lord Deputy for such a Defence, considering the De-'puty's great Merit to the King, State, and their Lordships; being 'one who hath done so good, so just, and so honourable Services, 'not to be parallel'd by any that went before him in that Place.

'His equal distribution of Justice, advancing his Majesty's Reve-'nue, *&c.* so that *Ireland* was never in that state as now it is: And 'that this Noble Lord should have these Reflections cast upon him by 'Sir *Pierce Crosby*, is an ill Reward.

'I am well satisfied Sir *Pierce Crosby* endeavoured to draw this scan-'dalous Accusation upon this Lord, and hath bin a publisher of it, 'particularly to Sir *Francis Wortly:* And how ridiculous a thing it 'was (the Proofs considered) to say that *Esmond* died of the Blows 'the Lord Deputy gave him, when only he shaked his Cane over his 'Head.

'I hold my Lord *Esmond* also guilty of spreading this Report. 'Fitz-*Harris* tells how he was hired to go into *Ireland*, on Sir *Pierce* 'Crosby's account; It is said he is a Man Indicted of Felony, Why 'did Sir *Pierce Crosby* make use of such a Fellow?

'I fine Sir *Piece Crosby* 4000 *l.* to the King, and to give such Satis-'faction to the Lord Deputy as this Court shall direct. I am sorry 'for Sir *Pierce Crosby*, for time was when he did good Service at the '*Isle of Ree* for his King and Country.

'As for the Lord *Esmond*, I hold him clearly guilty of spreading 'this Scandal, to the dishonour of my Lord Deputy. My Lord '*Mountnorris* said, He had it from the Lord *Esmond*. Now for Men 'of Honour to report a thing false for a Truth, is a very great Crime, 'I fine my Lord *Esmond* 3000 *l.* and I do declare him to be unworthy 'to serve under the General (my Lord Deputy) and to make Satis-'faction in some publick Way, and in such Words as this Court shall 'direct.

'As for *Marcus Chevers*, the beginner of this Report, I Sentence 'him, for publishing of it, a 1000 *l.* and to acknowledg his Of-'fence.

'And all the Defendents in 5000 *l.* Dammages to the Lord De-'puty.

Lord

An. 1639.

Lord Chief Juſtice Finch *his Sentence.*

'MY Lords, The Charge in this Information is double; It is a 'Conſpiracy to raiſe a Scandal, to bring my Lord Deputy in 'Queſtion, both in his Honour, Life, and Fortune. And it is for 'the publiſhing and divulging of this, to the diſhonour of my Lord 'Deputy, and to ſtir up ill Conſequences likewiſe to his great dam- 'mage.

1. 'That there was a Scandal raiſed, I am fully ſatisfied; but who 'are the firſt raiſers of this Scandal, that in judgment doth not ap- 'pear before your Lordſhips. But my Lord Deputy hath very good 'reaſon to charge this as a Conſpiracy and Practice in the Defendents, 'and I think your Lordſhips have great reaſon to ſuſpect it ſtrongly; 'and in my own private Conſcience I do believe it. But I dare not, 'upon the proof in Court, go ſo far as to Sentence any of the De- 'fendents, not Sir *Pierce Crosby*, whom I hold to be the chiefeſt De- 'linquent in the Cauſe. I dare not, I ſay, upon the proof in Court, 'condemn any of them of a Conſpiracy, or of a practiſe with others, 'to raiſe this Scandal *ab origine*, to bring my Lord Deputy in danger 'of his Life.

'For the publiſhing of the Scandal, I am ſatisfied that it was a falſe 'Report, and that it is a Crime that ought ſeverely to be ſentenced in 'this Court.

'There are Preſidents of it in my Lord Arch-Biſhop of *York*'s Caſe 'that now is, and the Biſhop of *Lincoln* and *Osbaldſton*'s Caſe. And 'your Lordſhips know as well the Statute of *R.* 2. *& Weſtm.* 1. 'doth as well puniſh thoſe that are the Tellers and Speakers of falſe 'Lies and Tales, as the Inventers.

'In the Caſe of a Common Perſon there may be ſufficient reaſon to 'juſtify the Words, but in the Caſe of a Publick Magiſtrate, and ſo 'great a Perſon, as the Viceroy, in a manner, of the Kingdom of '*Ireland*; I ſay, Though there were probable and juſt grounds, it was 'not fit for them to ſcatter and divulge things in an irregular way, 'but it is puniſhable; I did learn it in King *James* his time, in the 'Caſe of *Henry* Earl of *Northampton*, Lord Privy-Seal, that was here 'ſentenced.

'I am clearly ſatisfied, that this is ſo far from being true, or from a 'probability of Truth, or from being a *non liquet*, that there is no co- 'lour for it; and to ſatisfy my own Conſcience, I ſhall be bold to 'reckon to your Lordſhips the Grounds upon which I go.

'I do fix it upon the Teſtimony of the Parties preſent, and of the 'Witneſſes preſent, I do find there were fifteen preſent. For Sir *Phi- 'lip Manwairing*, your Lordſhips know his Quality and Reputation 'in the Kingdom, and I know he beareth it as worthily in your Lord- 'ſhips Judgment; He expreſly ſweareth his Lordſhip did but ſhake 'the Cane, and that he believeth in his Conſcience, (for ſo he ſaid 'here in Court) he did not ſo much as touch him: And I would not 'have any to go away unſatisfied of any thing againſt my Lord De- 'puty. There are many Preſidents and Rules, that this Court hath 'liberty in their Judgments, to call for Witneſſes at Hearing to ſa- 'tisfy their Conſciences. My Lords, Beſides, Sir *Philip Manwai- 'ring*'s Depoſition, that which he did here affirm, That he was

'near

Caroli 15.

'near to my Lord all the while, and that he did diligently obſerve 'all that paſſed.

'Another Witneſs was *Iſaac Carpenter*; he doth agree with Sir *Phi-* 'lip, he ſaith, my Lord did but ſhake the Cane, and he doth not 'know whether he touched him, and he was the Man that brought 'the Fellow thither.

'The third Witneſs was *Holloway*; It is true, ſome ſpeak out of his 'Mouth, he ſpeaketh exactly in his Anſwer, He knoweth of no hurt 'or wrong was done by my Lord Deputy, neither doth he believe 'it.

'*Atkinſon* the Goaler, he was the only ſingle Man of thoſe that 'were preſent, that ſaith, my Lord Deputy did ſtrike *Robert Eſmond* 'with a Cane.

'Take the Quality of their Perſons, take their Number, four to 'five, I wonder whether any Man can think there was a ſtroak.

'The ſecond part of the Proof, is from the Relation of *Robert Eſ-* 'mond himſelf, wherein you ſhall ſee a great deal of malice in the De- 'fendents.

'Yet he ſweareth upon his Salvation, he took no hurt by any 'ſtroak from my Lord Deputy; he did declare it was an old hurt 'with a Knife that did wound him; he did there proteſt he never 'ſtruck him, only ſhaked his Cane: And when his Uncle ſaid unto 'him, Tell the Truth; indeed Uncle, ſaid he, if it were otherwiſe 'I would tell you; I pray God I never enter into Heaven if ever he 'ſtruck me or hurt me: So here is as ſtrong a Relation as can be, and 'agreeth in the Point with the ſhaking of the Cane.

'I ſhall not forget to reckon up to your Lordſhips, what on the 'Defendents part hath bin alleged. It was a grave and honourable 'Admonition which was given by my Lord *Cottington* to the Counſel 'at Bar, and I wiſh they would never give occaſion to be reprehended, 'but to take admonition by this; time hath bin, when Practiſers of 'Law knew their Duty, which if they obſerved, they ſhould never 'do more than their Cauſe would bear, and yet do their Duty to 'their Clients with modeſty to the Court, and reſpect to Perſons of 'great Eminence. In this they have gone further than the courſe of 'the Court, wherein I do commend Mr. Attorny that did ſo reſpect 'the Innocency of my Lord Deputy that he would not cut them off. 'It hath not bin uſual with the Practice of this Court, to ſuffer him 'that pleads *not guilty*, to make a Juſtification for the Plantiffs to 'prove him guilty; and it ſhall ever be my practice in ſuch Caſes, 'when they do fail of a Proof of *not guilty*, that they ſhall pay ſound 'Dammages.

'For my Lord's Merit I ſhall ſay nothing, I am prevented by my 'Lord *Cottington*. If ever any deſerved reparation in this Court, my 'Lord Deputy doth, who hath bin ſo excellent a Miniſter for the 'King.

'For Sir *Pierce Crosby*, I ſhall obſerve to your Lordſhips, he was 'a diſcontented Man, removed from the Council Table by my Lord 'Deputy and the Council, and by direction from the King. He ſaid, 'My Lord Deputy bore a hard hand in *Ireland*, and wiſhed my Lord 'Deputy was diſplaced, and my Lord *Fawkland* in it again. I have 'known Sir *Pierce* long, and ſorry I am to meet him here.

'The firſt Witneſs againſt him was Sir *Francis Worſley*, who ſaith, He

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told him, My Lord Deputy ſtruck him, and that he died of the blows, and did name ſome Perſons in *Ireland* that would proſecute againſt my Lord Deputy.

The ſecond Witneſs was *Edwards*; Sir *Pierce Croſby* asked him, If he had not a Kinſman that died of a Blow given him by the Lord Deputy of *Ireland*? It did not concern Sir *Pierce Croſby* at all to inquire.

Your Lordſhips remember what *William Eſmond* ſaid, then what Sir *Thomas Eſmond* ſaid, the Lord Deputy ſtruck him: And *Marcus Cheevers* asked if he had heard of any ſuch thing? I tell your Lordſhips why I reckon up theſe Defendents, becauſe of the Knowledg I have of Sir *Pierce Croſby*; and I am ſorry that he ſhould upon his Oath deny that ever he ſpoke any ſuch word, when ſo many do witneſs againſt him for it; therefore Sir *Pierce Croſby's* Oath muſt not move me in Judgment, for no hold is to be taken of it. And let Men take heed how they take a liberty to deny upon their Oath; For your Lordſhips know how many Preſidents have bin in this Court, for ſentencing Men for Perjury in their own Cauſe.

For *Fitz-Harris*, he is a Witneſs that doth accuſe himſelf, as for the Indictment againſt him, he ſtood upright when he was examined; and in theſe things wherein he concurs with others, he is without exception; and being a ſingle Teſtimony in the main Point for the Conſpiracy, is the Reaſon why I cannot Sentence Sir *Pierce Croſby* for a Conſpiracy: And I am not on the other ſide ſo ſatisfied, but that in my own private Conſcience I do think there was a Conſpiracy. Why ſhould *Fitz-Harris* alſo go about this? and why ſhould *Archer* make this Relation? and why this Conference with *Robert Eſmond's* Wife, and her Counſel, (though I will not ſay but one Defendent may confer with another); I do utterly diſlike the manner of it, and ſo I ſhall leave Sir *Pierce Croſby*.

The next is my Lord *Eſmond*, a Perſon unknown to me, yet I am ſorry to find him here; but I muſt agree with my Lord that went before me, and to Sentence him for the Reaſons already opened. My Lord Deputy ſhould know it was an *Eſmond* he had kill'd, tho he was the Man that brought my Lord Deputy word that *Robert Eſmond* ſaid, upon his Salvation, He took no hurt by any ſtroak from my Lord Deputy. This Lord being a Counſellor of State, to go and do otherwiſe, doth aggravate his Offence. Nothing is more for my Lord Deputy's Honour, than this very Particular; with what clearneſs and candor my Lord Deputy did proceed in putting ſo much truſt in my Lord *Eſmond*, in a thing that ſtandeth ſo deeply in his Honour and Fortune, and might be a Cloud that might hang over him all the days of his Life.

Next was *Cheevers*, he ſaid, It was no wonder if he died of it, *&c.*

Here my Lord *Finch* ſpoke of a Report which he had ſeen 4 *Car.* where my Lord *Say* brought an Action of the Caſe upon the Statute of *Scandalum Magnatum*, for ſaying, *Thou art a Traitor to the King*; and upon a *Not guilty* pleaded, it was found for the King. But the Inference he drew from this, the Author could not perfectly take.

For *Holloway* and *Fitz-Harris*, there is enough to convince them.

I ſhall deſcend to my Sentence, and will not diſſent in any thing from my Lord *Cottington*, only have *Archer's* and *Fitz-Harris's* Ears nailed to the Pillory, and fined 1000 *l.* a-piece.

A

15 *Caroli.*

A few Notes of ſome other of the Lords Sentences.

Secretary *Windebanck.*

'I Am ſatisfied of the clearneſs of my Lord Deputy. To have ſo 'worthy a Miniſter of the King's thus traduced, eſpecially in this 'time of Troubles in *Scotland*, it much concerns him. I had rather 'have found Sir *Pierce Crosby* in ſome Regiment attending the King in 'Scotland. Yet I muſt Sentence him as a Man guilty of the divulging 'of the Report, and that with a great deal of Malice; I concur with 'my Lord *Cottington.*

Sir *Thomas Jermain.*

'SInce it is ſo, that with theſe Lords that have gone before me, I 'cannot concur; I ſhall uſe the liberty of my Place, and the 'ſtrength of my Conſcience, and ſpeak what I think; and think I 'muſt; and I think it my part to render a Reaſon and Account of my 'Thoughts. You have in Judgment before you thirteen Defendents, 'ſome Noblemen, ſome Gentlemen, and others.

'Here is a great and heavy Charge upon Sir *Pierce Crosby*, it ſtand-'eth upon three heads.

1. 'That he is a Perſon ill-affected to the Government and State.

2. 'That he ſhould be the firſt publiſher of this Scandal.

3. 'That he ſtirred up the Wife of *Robert Eſmond* to proſecute my 'Lord Deputy.

'If I find my Lord Deputy's Honour invaded by Sir *Pierce Crosby*, 'or any Man elſe, he being a Perſon of great Place and Truſt in ano-'ther Kingdom, where a great part of his Majeſty's Government is 'committed to his care, it behoves my ſelf, and all your Lorſhips here 'preſent, to vindicate his Honour. And I am verily perſwaded, that 'neither my ſelf, nor any here preſent, can think my Lord Deputy 'could procure the death of this Man by his Cane, there his Honour 'is not in danger.

'For Sir *Pierce Crosby*, he was a principal means for the preſerva-'tion of our Mens lives that eſcaped at the *Iſle of Ree.* Sir *Pierce* 'Crosby was not the firſt Mover, for Mr. *Raileton* in his Depoſition 'ſaith, (before ever Sir *Pierce* was thought to have ſpoken of this 'Matter) that he heard at Court by Mr. *Leveſton*, and divers others, 'of *Robert Eſmond's* Death. It ſeems ſtrange to me, that theſe Pub-'liſhers were not made Parties to the Suit; and if it may ſtand with 'the courſe of the Court, before I proceed any further, I would know 'whether this be an Offence, To ſpeak that for which he can pro-'duce ſeveral Perſons that ſpoke it before him?

'Lord Chief Juſtice *Finch* ſaith, Though a Man ſpeak that which 'a hundred ſpeak before, it is a ſcandal in him.

'Then I ſhall deſcend to my Sentence.

'Next Witneſs againſt Sir *Pierce*, was Sir *Fr. Wortley*, but he remem-'breth not the time. And againſt Sir *Pierce* here is only *Fitz-Harris*, 'and twenty more that ſpoke out of his Mouth, and all but as one

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'Witneſs; and he is ſuch a Witneſs, as for my part I ſhall not be-
'lieve.

'I Sentence none but only *Fitz-Harris* and *Archer*.

Barret Lord *Newburgh*.

'I Conceive the Offence ſo foul, as that it deſerveth a very ſevere
'Sentence, were it fully proved againſt all the Defendents. I am
'fully ſatisfied of my Lord Deputy's great care in his Majeſty's Ser-
'vice in that Kingdom, and that nothing hath bin ſaid of him in this
'Court but what is his due. I can Sentence none of the Defendents
'but *Fitz-Harris* and *Archer*.

'Earl of *Exeter* concurred with my Lord *Newburgh*.

'My Lord of *Suffolk* agreed with my Lord *Cottington*, and added
'this, To have *Fitz-Harris* to loſe one Ear in *England*, another in *Ire-*
'*land*, and if he have a third Ear, to loſe it in *Scotland*.

Earl of Manchester *Lord Privy-Seal*.

'MY Lord Deputy's Life, Name, and Fortune, lieth at the Stake;
'and a ſtupid Man he had bin not to have ſtirr'd, he had
'wrong'd his Honour, Perſon, Eſtate, and Government it Self, not
'to have ſtirred.

'I will ſpeak my own Judgment freely, without checks to my Con-
'ſcience.

'For the Plot, to ſpeak truly, I ſee none. To publiſh this Scandal
'was a fault, and the greater, becauſe it was againſt a great Man.

'For the Fact, Who ſhall a Man believe in this Caſe? The Party
'himſelf, his Wife, his Kindred, his Friends; his Proteſtations, his
'Execrations, that upon his Salvation he had no ſtroak.

'Mr. *Recorder* put as good Colours upon this Cloth as it would
'bear for a Defence.

'Sir *Pierce* hath carried himſelf very cloſely, he was never ſeen but
'at *Eaſter* when he ſent for *Margery*.

'In Sentence I concur with my Lord *Cottington*.

Dr. Juxon *Biſhop of* London, *Lord Treaſurer*.

'FOr Scandals raiſed upon Superiors, they are the Diſeaſes of the
'Time. Not to ſpend time to ſpeak of my Lord Deputy's worth,
'This injury to him juſtly requires a heavy Sentence. Sir *Pierce*
'*Crosby* I conceive is a great Delinquent, if not a Plotter; yet a ſub-
'til, induſtrious and diligent Labourer in the Proſecution. If it took
'no effect, it was no fault of his. *Fitz-Harris* was alſo an Offender,
'your Lordſhips may do well to make him an Example. For my Sen-
'tence, I agree with my Lord *Cottington*.

Some

Some Paſſages in my Lord Arch-Biſhop of Canterbury's *Sentence, in my Lord Deputy's Cauſe, againſt* Sir Pierce Croſby *and others.*

'I Conceive there was a marvellous great neceſſity to bring this 'Cauſe to Judgment, for the Report was ſpread ſo far and ſo 'high, that if it had bin ſuffered to have lain a-ſleep, it might 'have endangered my Lord Deputy, and his Poſterity after him; 'and therefore it did concern him, by all the means in the World he 'could, to bring this Cauſe into this Court.

'My Lords, for the Counſel at Bar I was extreamly troubled to ſee 'them, after a *Not guilty* pleaded, to juſtify the Act; and yet I can-'not but commend Mr. *Attorney* to give way unto it, that the In-'nocency of my Lord Deputy might the more clearly appear.

'My Lords, For the Cauſe it ſelf, I am not only of Opinion that 'it is a great Offence, but that it is an Offence which hath a dan-'gerous Conſequence following it, if you look by whom, and againſt 'whom it was committed.

'My Lord Chief Juſtice hath ſo divided this Cauſe in the Particu-'lars, that I ſhall be very brief.

'I conceive the Defendents are guilty of a grievous, malitious, and 'dangerous Scandal; and whether true or falſe it is no matter, for it 'ſtands againſt the Foundation of all Law, that if the thing were true, 'yet they are ſcandalous Reports. Certainly, my Lords, for the 'Conſequence that is upon this, I hold it to be very dangerous. And 'if ſuch a thing ſhall go unpuniſhed, or with a light puniſhment, no 'Man in his Place can live in ſafety of his Life, Honour, and For-'tune.

'My Lords, This is not only a dangerous Cauſe, but dangerous in 'the way of Proſecution, that there ſhould be ſuch cunning in the 'carriage of this Buſineſs, that they would take away with one blow 'his Honour and Service in *Ireland*, and cut him off from his De-'fence and Protection in *England*. It is very bad it ſhould be againſt 'a Peer of the Realm, but this againſt my Lord Deputy, that doth 'repreſent the King's Perſon in that Kingdom; for the whole Truſt 'and Government of that Kingdom doth reſt in him, under God and 'the King. And it argueth, to my underſtanding, that ſuch Spirits 'as theſe, that ſtrike at the Authority of him that beareth the Power 'under his Majeſty in *Ireland*; they that ſhall begin thus with Tongue 'and Pen to ſcandalize any in Authority, I ſhall think the ſame Man 'will be very bold to ſcandalize the King too. *Gregory Nazianzen*, 'where he ſpeaketh of Kings, he ſaith, *They are lively Pictures of the* 'Almighty God, *drawn ſhort, but not at length, for no reſemblance of* 'God Almighty *can be drawn out at length.* As Kings are Repreſenta-'tions of God drawn out ſhortly, ſo Deputies and Lieutenants are 'Repreſentations of ſuch as are their King, but drawn out ſomewhat 'ſhorter than the reſemblance of their King.

'For my part, I have ever bin of Opinion, that the great Mini-'ſters of the State, which ſhall not be very ſenſible of the Authority 'impoſed on them, and of Injuries offered unto them, cannot per-'form, nor be ſo careful in their Places as they ought.

'It

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'It is very high time to look about, for great liberty is taken in this 'Age, and the Tongues and Pens of Men, againſt Men of Place and 'Authority, are too frequent, that ſin is grown very common, almoſt 'Epidemical, and ready to prophane all Authority; and the next to 'that is the confuſion of all Mens Fortunes.

'Theſe Times, in the greateſt Empires that ever were in the World 'for Riches, one of the greateſt, the *Roman* Empire, do manifeſt, 'That thoſe Men on whom the Emperor at thoſe Times did ſet any 'great Office upon, or did any other ways favour, certainly they 'had the greater eſteem among the People, and good reaſon for it; 'but now it is grown quite contrary. The Scripture ſaith, *Thus ſhall 'it be done to the Man whom the King honoureth.* Now it is chan-'ged and quite otherwiſe, with all manner of reproach, and caſting 'of ſcandal upon him whom the King honoureth. This in gene-'ral.

'Now for my Lord's Perſon in particular, and for his dexterity in 'the Government of that Kingdom; in particular, for that he hath 'ſhowed himſelf a great favourer of the Church: But becauſe I am a 'Church-man my ſelf, I ſhall ſpeak little of him in that, but leave him 'and his great care in that Service without any *Elogium*, ſince it ſpeaks 'loud enough all Chriſtendom over.

'This I will ſay, without diſparagement of thoſe great Peſons that 'have gone before him, and I hope to the encouragement of thoſe 'that may ſucceed, That for the Government of the State in general, 'and for the ſtate of the Church, for the ſetling of Religion, for the 'vindicating of Juſtice according to their Laws; for improving their 'Trade, and ſetling a Military Defence in that Kingdom, no Story 'nor Memory of Man can ſay, that ever *Ireland* was in that eaſe ſince '*Ireland* did belong to the Crown of *England*.

'My Lords, I ſhall add one thing more in reſpect of theſe boiſte-'rous Times we are fallen into. The State doth not owe a little to 'my Lord Deputy, that the Kingdom of *Ireland* is kept in that great 'Peace and Security; for at this day (God be thanked) that King-'dom is at Peace, notwithſtanding the multitude of *Scots* in that King-'dom, and thoſe Rebels that are within an hour and a halfs paſſage of '*Ireland*. No part of *England* is in more ſecurity than they are at 'this time; and under God and the King, I can attribute it to nothing 'but the Wiſdom, Courage, and Care of my Lord Deputy; and 'therefore God forbid Offenders againſt his Reputation ſhould go 'away without exemplary puniſhment.

'The greateſt Empire that ever was in the World was the *Roman 'Empire*; give me leave to repreſent unto your Lordſhips what the 'Law was then, and it cometh home to many particular things that 'are in this Caſe before your Lordſhips.

Here the Arch-Biſhop mentioned ſome *Roman* Authors, but ſpoke ſo faſt, as at that Time the Pen could not hold pace with him.

1. 'There was a neceſſity, but in thoſe times (ſaid his Author) 'then to complain, to deter People from caſting Scandals on Perſons 'in high Authority; therefore there is now a neceſſity for my Lord 'Deputy to complain, or elſe no puniſhment to the Offender.

2. 'Whom

15 Caroli.

2. 'Whom doth the State vindicate, a Senator? From what? 'From ſome notorious Brand as this is. God forbid but that the State 'ſhould do it, for the State cannot be ſafe unleſs it doth defend every 'one of us *ab omni injuria*. Certainly, ſay what you will, it is im- 'poſſible for the Government of the State to go on, if theſe Scandals 'muſt be ſuffered.

'I ſhall further obſerve, This is no matter of Favour you do my 'Lord Deputy, nor was it in the Empire at that time, for the Sena- 'tors did require it by Law, *defendere jus Senatoris*; and not only *de- 'fendere jus*, but *Authoritatem juris*. And then, my Lords, after 'there cometh in the laſt, and that is remarkable, that the great Em- 'pire, famous over all the World, and ſo continueth, yet that great 'Emperor did reckon himſelf as one of the Senators; not but that 'he was greater, but the *Jus & Authoritatem* of them, he did aſſume 'unto himſelf.

'I hold this libelling of the Tongue and Pen to be a ſin of a very 'crying nature, and will get up by the leaſt Twig that may be; and 'the nature of the Thing is ſuch, that if it can but once come and 'ride ſafely upon the Shoulders of a Nobleman, it will mount and 'come to the King himſelf, and the greateſt Emperor that is; which 'God forbid that it ſhould be ſo. This I thought good to ſpeak upon 'the Conſequence of theſe Things, becauſe the Venom of this Crime 'is in the Conſequence, more than in the Formality of the Crime.

'My Lords, I did beg leave to ſpeak this for the ſatisfaction of my 'own Conſcience; and to expreſs how ſenſible I am of this, I ſhall 'now come to the Particulars of this Cauſe in Judgment before me, 'in which I did promiſe brevity; and my Lord *Finch* hath ſo fully 'handled this Matter, that he hath ſpared me a great deal of pains.

'I begin with Sir *Pierce Crosby*, and I think all your Lordſhips agree 'with me, for the generality of the Scandal, that it is notoriouſly 'falſe, without probability of Truth. I have heard heretofore well of 'Sir *Pierce Crosby*, but I muſt obſerve a good Rule given in the Com- 'mon-Wealth, *That if a Man have deſerved Well, and now deſerves 'Ill; his well-doing formerly ſhall not excuſe him for his ill-deeds now*; 'therefore I ſhall paſs by the goodly Report I have heard of him. In 'my Notes, I find him guilty of the ſpreading of this falſe and mali- 'tious Report, and is a fomenter thereof; though I cannot make him 'the firſt Author of the Report, yet after once he came in, he was a 'malitious Proſecutor. Sir *Francis Wortley*'s Teſtimony convinces him; 'beſides it is corroborated with *Fitz-Harris*'s Teſtimony.

'For my Lord *Eſmond*, I hold him almoſt as great an Offender as 'Sir *Pierce*; his Ingratitude is far beyond Sir *Pierce*'s. The appre- 'henſion which the World had of him, the Honour and Countenance 'my Lord Deputy had given him; the Truſt my Lord put in him, 'to take the examination of this Buſineſs; and after all this, for him 'to turn tail againſt my Lord Deputy, muſt needs be a foul fault, and 'argue a canker'd heart.

'For my Lord *Mountnorris*, I cannot Sentence him, becauſe the 'proof againſt him is not clear; but let him make a happy uſe of 'coming ſo near the Fire, and yet eſcape.

'For *Marcus Chevers*, I conceive him to be one of the firſt Raiſers 'of this Report, he ſaith he heard it from my Lord *Mountnorris*; ſo 'between them two, and my Lord *Eſmond*, and Sir *P. Crosby*, was

'this

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'this Scandal broached. I think theſe four Men ſtood upon ſome 'Iriſh Bog, and a foul Miſt did there ariſe; and there ſtood about this 'ſame Bog theſe four Defendents, and they have fomented the Filth 'they received by it.

'For *Fitz-Harris* and *Archer*, I think he could get no Men of 'worth to undertake ſuch a Buſineſs, therefore ſuch Men were moſt 'fit to be imploied. I conceive there was a deep Conſpiracy with 'theſe two Men about this Buſineſs.

'For *Holloway*, I muſt ſentence him in 200 *l.* fine.

'For *Robert Eſmond*'s Wife, I am loath to condemn her, a Wife that 'had loſt her Husband, and ſwears ſhe conceived he died of his old 'Diſeaſes.

'For *Fitz-Harris* and *Archer*, I agree to the loſing of their Ears; 'and for the Sentence of the other three Defendents, I agree with 'my Lord *Cottington*, In Fine, Acknowledgment, and Damma-'ges.

'And I add further, That my Vote is, My Lord *Eſmond* ſhall be 'removed from being any longer a Privy-Counſellor, it being not fit 'that ſuch a canker'd Heart, and ulcerated Man, ſhould ſit at the 'Council-Table there.

Lord Keeper's Speech.

'MR. *Attorney* hath proceeded with a great deal of Judgment; 'He did a very good Act for my Lord Deputy, to bring this 'Cauſe to Sentence. And for the way of Defence, I am clearly ſa-'tisfied it is againſt the Rules of the Court; yet had they bin inter-'rupted in the way of their Defence, it would have reflected both 'upon my Lord Deputy and the Court: Therefore as I do condemn 'this way of Defence to the Court, (and by the way do adviſe them 'to take care and heed how they do practiſe it in other Cauſes) yet I 'do commend it as neceſſary in this Caſe, for Mr. *Attorney* to give 'way unto their Method of Pleading.

'My Lords, In the next place I muſt needs ſay, upon the whole 'courſe of this Cauſe, I am of the ſame Opinion with my Lord *Cot-'tington*; that howſoever perchance this or that Man might think my 'Lord Deputy ſhould have done well to have forborn this Cauſe, yet 'certainly it was a great neceſſity for my Lord Deputy to bring it on. 'It was neceſſary for him in the point of his Honour, for I am very 'confident, that had he not taken that way, this Rumour and Ca-'lumny had ſpread ſo far, that of neceſſity it would have required 'him at laſt for his ſafety to do this; becauſe for *Atkins* and *Roche*, I 'am ſatisfied in my Conſcience, by the Proof of the other ſide, that 'that they are falſe Witneſſes, and therefore it might have concerned 'my Lord Deputy, as in his Honour, ſo in his Life and Eſtate.

'It was a point of Moderation, that he did not put in my Lord 'Eſmond firſt. I once had a good Opinion of him; but when my 'Lord *Eſmond* (whom my Lord Deputy entruſted to examine this 'Buſineſs) did diſcover himſelf, he had great reaſon to bring him 'on the Stage.

'My Lords, there was one thing out of the Proofs concerning 'Marcus Cheevers to be of Counſel with Sir *Pierce Crosby* in a Croſs 'Bill, to let your Lordſhips know ſomething of what I know; It is

'true,

15 *Caroli.*

'true, Sir *Pierce* came unto me, and deſired me to write a Letter to 'my Lord Deputy, to come and appear to his Suit in the *Star-Cham-* 'ber here; but the truth was, I did deny it, becauſe I thought it 'could not ſtand with my Duty to ſend to my Lord Deputy a Letter 'to appear here, before I told the King of it. So there was ſome in- 'tention of a Croſs Bill, but I never acquainted the King with it, nor 'heard more from Sir *Pierce* of it.

'My Lords, In the next place I ſhall declare my Opinion, as moſt 'of your Lordſhips have done.

1. 'I am ſatisfied in my Conſcience, my Lord Deputy did not 'ſtrike him, only it was a ſhaking of the Cane; that maketh the very 'ground-work to be falſe. It was objected, if it did but haſten his 'Death an hour, it was the occaſion of his Death. I do not conceive 'it did either haſten it, or occaſion it, and believe nothing that *At-* 'kins ſaith.

'Next place for the Statute in this Point; here is the ſpreading of 'a ſcandalous Rumour, to the prejudice of a Nobleman, this is a very 'great and grievous Crime. Then, my Lords, in this Caſe I look up- 'on the Perſon of my Lord Deputy, as he is a Privy-Counſellor to 'the King, as well in this Kingdom as in *Ireland.* He is a Peer of 'this Kingdom; yea, a great Officer both in *England* and *Ireland*; 'Lord Preſident of the North in *England*, and Lord Deputy of *Ire-* 'land in *Ireland:* He is truſted by the King immediately under him- 'ſelf; though it be granted unto him by the Name of Lord Deputy, 'yet he hath both the Honour and Power of a *Viceroy.*

'Now, my Lords, I do obſerve in the Evidence of this Cauſe, 'that all the reſt of the Privy-Counſellors have a ſpecial Article in 'their Oaths, not to diſcover any thing that may reflect upon the Lord 'Deputy.

'Next thing, If a rumor of a Report be divulged, and a Man doth 'hear this commonly ſpoken, and he reports it, Whether this ſhall be 'a Crime in this Man? And I make no doubt of this but it is, for it 'is full within the Matter of the Act. If this ſhall be an excuſe to 'ſay, I ſpoke no more than what I heard, and heard it from this or 'that Man, the Conſequence would be, that none poſſibly would be 'ſafe. Plainly, The Law of the Kingdom meaneth it to the meaneſt 'Subjects in it, as to ſay to the pooreſt Man that he meeteth in the 'ſtreets, that it is reported he hath committed Murder, *&c.* What 'ſhall he ſay? I did ſay no more than what was told me. This is no 'Defence for the meaneſt Subject the King hath, much leſs in this 'Caſe of ſo great a Miniſter of State. If one call another Thief, or 'Murderer, and he bring an Action, and if it be true he be guilty of 'the Fact, no Action will lie. But in Caſes of *Scandalum Magnatum* 'it is otherwiſe. I find a Reſolution in this Point in this Court, by 'the two Lord Chief Chief Juſtices, *Arundel*'s Caſe; That a Man 'hearing a Scandal of a Nobleman, and ſhall report this to another, 'although he do expreſs his Author, yet he ſhall be puniſhable. If a 'Man of Quality ſhall ſay of one, That he is a Traitor, Felon, *&c.* 'or any ſcandalous Speeches, and ſay that he hath heard it of ſuch a 'Man, this is no juſtification; for when it cometh out of a more diſ- 'creet Man's Mouth, the Scandal increaſeth; for any Man to ſay he 'heard it, and name the Man of whom he heard it, he ſhall never ju- 'ſtify it in an Action of the Caſe.

An. 1639.

'*Object.* But here you may ſay was a probability, and ſo it may be 'left with a *Non liquet.*

'*Anſw.* But I conceive there is no manner of probability, much leſs 'a *Non liquet.*

26 *Junii*, 15 *Carol. Regis*, 1639.

'*Lawrence* Lord *Eſmond*, and Sir *Pierce Crosby* Knight and Baronet, 'this day appeared at the Bar, in obedience to the Sentence of the 'Court, and made their ſeveral Acknowledgments, according as the 'Court had directed, being penned by the Judges. The like acknow-'ledgment did *Marcus Cheevers* make at the Bar.

The Earl of *Strafford*'s Letter to the King, concerning his ſhipping of 500 *Iriſh* to be put into *Carliſle*.

May it pleaſe your Sacred Majeſty,

MY *laſt humbly preſented your Majeſty an account of putting five hundred Men aboard the day appointed, and by this time I truſt they have attained their Port.*

This Letter is occaſioned by another received from Mr. Secretary Windebank, *and bears date the* 23*d of* March. *In this I find much for me to do, and ſomething wherein to conſult your Majeſty's clearer direction, leſt I tread awry, or at leaſt beſide your Roial Intentions. Thoſe fully underſtood in theſe, as in all other, I ſhall execute to my uttermoſt beſt.*

Here incloſed is the Duplicate of my Letter to my Lord of Antrim; *wherein I have to my Judgment complied with that, which in relation to his Lordſhip was appointed for me; to which only I have bin bold to add unexpectance of my going down into that Province, howbeit not intending it, unleſs otherwiſe commanded, or upon ſome more preſſing occaſion than God be praiſed yet appears.*

The reaſon why I went ſo far, in regard I did believe the rumour of my coming ſo near him, would not amuſe the Earl of Argile *the leſs, or invite him ſooner out of his own Country. Your Majeſty's Pinnace, the* Confidence; *is gone with the Regiment to St.* Bees, *to ſee your Men ſafely landed, together with another ſmaller Pinnace of Sir* George Rad-cliffs *and mine; they have both order to return hither with all diligence, only your Majeſty's Pinnace is to attend at* Beaumorris *the tranſportation of Mr.* Serjeant Whitfield, *and Mr.* Fotherby, *as was appointed for her; by direction ſent me hither by Mr. Secretary.*

Againſt their return, Victuals ſhall be prepared for them, and putting forty Men upon our Pinnace, which carries five Saker, I will forthwith diſpatch them for the North-Eaſt of Ireland, *to beat it to and fro about the Head of* Cantire *and* Dunbarton-Frith.

Theſe two will, I am confident, be Maſters of all the Scotiſh Bottoms trading upon Air, Erwin, *and* Dunbarton; *yet to leave all out of queſtion, I ſhall in all diligence call Capt.* Owen *up hither with the* Whelp, *and direct him after them.*

Mr. Secretary Windebank *ſignifies your Majeſty's allowance, that if occaſion offer, they may land and take what they can get from any Towns upon that Coaſt. I humbly deſire, whether you will admit us to take as many*

15 Caroli.

many of their Barks at Sea as we can meet with; which doubtleſs will be much more eaſily, and ſafely done, eſpecially to deſtroy the Earl of Argile's *Long-Boats, prepar'd as well to anoy us by ſome ſudden Incurſion, as to ſecure himſelf; I confeſs, where the greater is granted, it may reaſonably be thought the leſs is implied.*

But in a Buſineſs of ſuch weight, I love not to take my Leſſon without Book, and therefore moſt humbly crave your Majeſty's Directions, expreſs under your own hands, in caſe it may ſeem ſo good unto your Majeſty: Let me but clearly know what I am to do, and if I neglect my Duty in the Execution, let not only the Shame, but the Puniſhment light deſervedly upon me.

I have already ſent out my Directions to all the Troops and Companies garriſoned in Ulſter, *requiring them to be ready to march out at five days, to ſuch Rendezvous as ſhall be appointed for them; and I will preſently ſend unto the Foot their proportion of Muſquets, in regard their Old are not ſo good as they ſhould be, ſo as there will be* 300 *Men ready for the Relief of* Dunbarton-*Caſtle, or any other Service your Majeſty may think fit to command them.*

It doth not appear to me how your Majeſty's Pleaſure is thoſe Men ſhould be Paid, and Victualled; but if your Majeſty have not otherwiſe thought of it, upon your Majeſty's Warrant, I will forth of this Revenue take order for both, without further trouble to your Majeſty's Coffers, or Miniſters on that ſide.

The fitteſt Perſon here to command them, as I think, will be Sir Robert Steward. *I take his Affections to be good, and that he hath a better Stake here among us, than he is like to get in* Scotland: *Howbeit it beſits me to conſult your Majeſty's Wiſdom herein, and do as that ſhall ordain for me. Beſides, his knowledg of the Country ſhould, me-thinks, fit him better for the Service.*

Laſtly; It was writ me from good hands out of England, *That it was thought there your Majeſty intends to go to* Edinburgh, *and to be preſent at their Parliament in Perſon. Sir, the reading of it went as cold to my Heart as Lead; and the Conſequences of ſuch an Aſſurance, fright me to think of them.*

But, I truſt, God is not ſo angry with Us, as to ſuffer your Majeſty to be led into ſuch apparent Danger, or by any perſwaſion, to conſent the truſting of ſo precious a Jewel in the cuſtody of ſuch, as (to my underſtanding) are ſo great ſtrangers to Honour, or Morality.

Beſides, if there were any ſuch purpoſe, the publiſhing your Majeſty's late Roial and Righteous Proclamation, manifeſting your juſt Cenſure of thoſe Diſorders, and thoſe late Directions to provoke them, and exaſperating the Humour, by falling thus upon them with your Shipping on the North-Weſt of Scotland, *were, to my apprehenſion, to fight againſt your Self. Therefore, I beſeech you, admit me, howbeit the meaneſt, yet as faithful a Servant as any, to deprecate this Evil by all means.*

For, as to my poor Judgment, your Majeſty hath no more to do this Summer, but to ſecure Berwick *and* Carliſle *by ſtrong Gariſons; to exerciſe your Army in the knowledg of their Arms; prevent their Incurſion into your Kingdom of* England, *and by all means to avoid Fighting this Year.*

An. 1639.

Thus much effected, will prove an excellent Work, as well in Judgment as in Conſequence; and by the Bleſſing of Almighty God, infallibly bend thoſe Rebels to your Princely Will within a Year or two at moſt. God long preſerve Your Majeſty.

Dublin, *April* 1. 1639.

Your Majeſty's

moſt faithful, moſt humble

Subject and Servant,

WENTWORTH.

Marqueſs *Hamilton* left by the King at *London.*

When the King went towards *York*, he left Marqueſs *Hamilton* at *Whitehall*, to take care about the ſhipping of 5000 Men, and to haſten Northwards with the ſame as faſt as he could.

They were to be commanded by three experienced Commanders, viz. *Byron*, *Morton*, and *Harecourt*.

And on the ſecond of *April*, his Majeſty writ this enſuing Letter to the Marqueſs.

HAMILTON,

I Received yours but this Morning, to which before I anſwer, I muſt tell you News. Firſt, That Sir Jacob Aſhley has poſſeſſed Berwick with a thouſand Foot and ſixty Horſe, and Carliſle is likewiſe poſſeſſed by my Lord Clifford with three hundred Men. Secondly, I have commanded Traquaire to keep his Chamber, until he give me an account how he left Dalkeith without ſtriking one ſtroak, and before any Cannon was brought before it, having left the Ammunition (not deſtroyed) to their Reverence, and likewiſe the Regalia: Of this more by the next.

Now for Anſwer, I have given the Proclamation to be written by the Clerk Regiſter, with the General Oath, both which you ſhall have with all ſpeed. For your Military Oath, I like it extream well, as likewiſe your Opinion for detaining the Patents of Honour until the Country be ſetled.

York, *April* 2. 1639.

The ſame day the Earl of *Strafford*, Lord Deputy of *Ireland*, writ to his Majeſty a Letter concerning the employing the Ships in *Ireland* to the North-Weſt of *Scotland*, as followeth.

May it pleaſe your Sacred Majeſty,

MY thoughts of this laſt Night, and this Mornings peruſal of what I wrote Yeſterday, moved me humbly to crave leave to expreſs my ſelf ſomething more fully concerning that which I have in charge.

Mr. Secretary Windebanck *ſignifies your Pleaſure, to have the Ships of the North-Weſt of* Scotland *by the ſixteenth or twentieth of this month.*

This

15 Caroli.

This circumſtance of time we ſhall, I truſt, be able to comply with, or very near it, God ſending us the Winds favourable.

Next he writes, theſe upon the place, if they commit any ſpoil, or any other Act of Hoſtility, your Majeſty will not diſlike it.

Now before I come to the Time of the Execution, I beſeech your Majeſty take into conſideration what the Advantage or Diſadvantage may be to your other Affairs, to begin with them ſo early on this ſide.

The Advantages to my ſeeming are very ſmall; the taking perchance of ſome inconſiderable Prey, ſome diſquiet to the Covenanters, *indeed ſo ſmall, as ſhall rather ſerve to awaken them at Home, than divert them from aſſiſting others of that Covenant elſewhere.*

And as for the conſiderable Service it ſelf to be done on that Coaſt, to wit, the taking and deſtroying of their Shipping; that is to be done as well, if not better, towards Auguſt *than now.*

On the other ſide, the Diſadvantages are, to my apprehenſion, great and many.

If the War were with a Foreign Enemy, I ſhould like well to have the firſt Blow; but being with your Majeſty's own natural (howbeit rebellious) Subjects, it ſeems to me a tender point to draw Blood firſt; for till it come to that, all hope is not loſt of Reconciliation; and I would not have them, with the leaſt colour, impute it to your Majeſty to have put all to extremity, till their own more than words enforce you to it.

It might provoke them to aſſault ſome part of England, *at leaſt to hinder the putting in of Men and Ammunition into* Barwick *and* Carliſle, *which as yet they have no colour for, but falls flat upon them as an open and inexcuſable Rebellion, which ſhall to the World juſtify your Majeſty as compelled, not only to take, but to uſe and turn your juſt Arms againſt them.*

It will haſten upon Marqueſs Huntley, *and the reſt of your Majeſty's Party there, and open a general Force, before they be ſo well ſet, I truſt, both to defend themſelves, and offend others, as hereafter they may be.*

It ſhall precipitate the War ſooner upon England, *than in preſent were to be wiſhed; and rendring the* Covenanters *deſpairing of your Majeſty's Grace, thruſt them conſequently upon deſperate Counſels, wherein they are the more to be apprehended, by how much leſs they have to loſe.*

Conſidering therefore, that the ſecuring of Berwick *and* Carliſle, *are the Pledges, under God's Goodneſs, of your Majeſty's proſperous Succeſs: Methinks nothing ſhould be done to provoke them till that were done: That it would be expected and tried for this Summer, whether their Fury might ſpend away upon it ſelf, before your Majeſty were compellable to diſtemper the Trade of your three Kingdoms, by falling thus upon their Shipping and Coaſt.*

My moſt humble Opinion is, That the preſent employment for theſe Ships, ſhould be only to move up and down on the North-Weſt of Scotland, *rather for ſecuring, and encouraging the good Subjects on this ſide, than to attempt any thing of force againſt them, when our Gains to be expected by the contrary way are ſo ſmall, but the Prejudices that may thereby fall upon your Majeſty's Affairs ſo important and many: At leaſt not to begin any Act of Hoſtility till* Auguſt, *for by that time the Seaſon of the Year will ſecure both Kingdoms from an Invaſion till the next Spring, by which time, I truſt, we ſhall on all hands be readier to receive them than now I fear we are.*

But

An. 1639. *But now, Sir, I have done, and command what you please, in full assurance, to be as perfectly and chearfully obeyed by me, as by any Soul living.* God long preserve your Majesty.

Dublin, *April* 2. 1639

Your Majesty's most faithful, most humble Subject, and Servant,

WENTWORTH.

I most humbly beseech your Majesty's Direction, what we should do with the Mariners, or others of better Quality, we may chance to take Prisoners, in case your Majesty will have us to use present Force against their Persons and Goods.

His Majesty writ another Letter to the Marquess, That he hath not yet seen *Traquaire* his Defence; and that if he had not taken notice of his base Actions, he is sure it would have disheartned a number of honester Men than ever he was, or ever will be.

April 3. About two days after the Earl of *Traquaire* presented a Paper in writing to his Majesty, then at *York*, concerning the Business at *Dalkeith*, the Contents whereof was as followeth.

The Earl of Traquair's *Relation of the Surrender of* Dalkeith *to the Covenanters, delivered to Majesty at* York, *in* April 1639.

'AT my last being at Court, amongst other Directions, your Majesty was pleased to give me order for drawing of Proclamations to be sent from this State, and for drawing of Commissions of Lieutenancy; concerning which, and some other Particulars then spoken of with the Marquess of *Hamilton*, your Majesty did require Sir *Lewes Steward* to repair to *York*. Your Majesty's Will likewise was, That some present Course should be thought upon for listing of some Souldiers in *Scotland*, both of Foot and Horse; and to that effect did resolve, That all the Noblemen who were then at Court, should presently repair to *Scotland*, and that there might be some ready way for entertainment of those Souldiers your Majesty allowed me. Besides the supply of Mony which was to come from *England*, to coin all the Plate that was in the Abby, and withal to provide in store in *Dalkeith* all the Victual I could, which place I was hopeful might be sensible against suddain Invasion, where there were no Cannon.

'With these and other Directions I went Home, and I believe your Majesty's Self, nor yet those Noblemen who were privy to my Instructions, did apprehend any thing of that which I found at my return.

After

15 *Caroli.*

'After I came to *Dalkeith*, the next Morning I went towards *Edin-*
'*burgh*, where by the way, I was advertiſed by a Friend, That as I
'loved my own Self, I would not go to *Edinburgh*, for the Covenan-
'ting Rabble had reſolved, upon my firſt appearance there, to make
'me faſt: This coming from a ſure hand, made me ſo far change my
'Reſolution, as inſtead of going directly to *Edinburgh*, I went to
'*Hally-Rood-Houſe*, and about twelve of the Clock, advertiſed ſuch
'of the Council as were in Town, to meet at the ordinary place of
'Meeting in the *Tolboth* of *Edinburgh*: But Sir *John Hamilton*, and
'ſome others of the Council, being acquainted with my return, came
'to me, and diſſwaded me altogether from thinking to enter *Edin-*
'*burgh*, becauſe the People (ſaid they) are mightily incenſed againſt
'me, and are all in Arms, and this day are to beſiege the Caſtle.

'And that ſame day advertiſement came to me to retire; and the
'next was the ſound of the Petard, which was ſoon after ſeconded by
'the noiſe of the Peoples Acclamations, upon the intaking of the
'Caſtle of *Edinburgh*.

'Hereupon I returned back and came to *Dalkeith* about eight of
'the Clock at Night, and with me Colonel *Macheſon*, and took his
'Opinion concerning the Fortifying of *Dalkeith*; who ſaid, it might
'in a ſhort time be made ſenſible againſt a ſudden Aſſault, but not
'againſt Canon; and conſidering that they were all *Covenanters* round
'about, it was not Tenable.

'I was preſently advertiſed of the Reſolution taken at their Table,
'both for apprehending of my Perſon, and taking in *Dalkeith* the
'next day; my care was to have ſtollen away, and ſo have ſaved the
'Powder and Muſquets that were in the Houſe; which I endeavoured,
'and moſt of it was removed to ſeveral Places, as I could think moſt
'fitting. And before twelve a Clock at Night had gotten the moſt
'part of all put away; about which time, according to their former
'Reſolution, there came towards *Dalkeith* betwixt three and fourſcore
'Horſemen: And as I was returning from helping away ſome of the
'Powder, I had fallen into their hands, if through the darkneſs of
'the Night I had not eſchewed amongſt the Houſes of the Town.

'The next morning as I came back to the Houſe, the *Covenanters*
'ſent two of their number to me, deſiring that ſome of the Lords
'might ſpeak with me; and being thus ſurprized, beyond expecta-
'tion, I being no Souldier, nor expert in Military Capitulations, and
'being in this, as in every thing elſe, ſince the Marqueſs went from
'*Scotland*, left alone, without the help either of Countenance or Ad-
'vice of any; few or none daring ſo much as appear to give Advice
'in any thing might ſeem againſt theſe *Covenanters*, nor none ſo buſy
'both publickly and privately to countenance them, and all their
'Actions, and flatter them by their Diſcourſes, as thoſe who are moſt
'buſy at this time to inform againſt me.

'At our firſt Meeting, the Earl of *Rothes*, in the Name of the reſt,
'began to repreſent to me the Reaſons of their Procedures; where
'preſently I interrupted him, and deſired him to ſpare his pains, for I
'intended not to hear or hearken to any ſuch purpoſe. His next was,
'Whether I would not willingly deliver up the Houſe of *Dalkeith* to
'them. I told him, If it were a Houſe ſencible againſt Power or
'Force, they durſt not offer to take it from me. They had now ſur-
'prized me, and their own folly would in the end ſurpriſe them, but I

'would

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'would keep the Gates faſt, and if they durſt preſume to make them 'open in any violent way, I hoped er'e long they ſhould be made an- 'ſwer for this, and more. But withal I told them, That the *Crown* and 'the *Scepter* lay there, wherewith if they ſhould preſume to meddle 'in any place where it was, it was more than ever Subject did, or 'could be anſwerable for. It was ſcornfully anſwered, That *Dalkeith* 'was not a Place good enough for ſuch Things, and therefore they 'would carry them to the Caſtle of *Edinburgh*, where they ſhould be 'more carefully kept than they could be there. Hereupon I charged 'them, under all higheſt pains of *Treaſon*, not to dare to meddle with 'the *Crown*, *Scepter*, or *Sword*.

'As I was offering to retire, *Rothes* again urged one word more, 'which was, to require me, as he ſaid he had done all the reſt of the 'Subjects whom they could meet with, to declare my ſelf, Whether 'I would come againſt my Religion and Native Country. My An- 'ſwer was, I intend to make no anſwer to ſuch Propoſitions; but as 'I hoped never to be required to come againſt either, ſo I was moſt 'confident that when-ever my Maſter ſhould ſhew himſelf, I and with 'me, many honeſt *Scots* Hearts would ſhew themſelves to vindicate 'his Sufferings, and curb their Inſolencies. To this *Rothes* and *Bal-* 'merino, as I remember, both replied at one time, That if I did de- 'clare my ſelf in that manner, they would diſcharge with me, and 'thereafter I was to look to my ſelf.

'Whereupon they, with four Companies of Muſquetiers, (to one 'whereof Sir *John Hay*'s Siſters Son, as I am informed, was Captain) 'conducted by Colonel *Munro*, and 500 Horſemen, (amongſt which 'was Colonel *Hamilton*) went to the Houſe, and finding the Gates 'ſhut, required my under-Keeper to make open Gates; which he, 'according to the direction given him refuſing, charging them of new, 'under all pains of *Treaſon*, to retire from the Gates, and not offer 'any violence to his Majeſty's Houſe: All this was done to make their 'Fault and Inſolency appear the greater. Whereupon they ſcornful- 'ly anſwered, That the fear of all ſuch Charges were long ago paſt, 'and with that put the Ladders to the Walls where the Stables are; 'and having climed over the ſame, came to the Inner Gate of the 'Houſe, which they forced likwiſe, and ſo entred, and in great Joy 'and Triumph ſeized the *Regalia*, *Crown*, *Scepter*, and *Sword*, and 'carried them away with all the reverence they could ſhow, and pla- 'ced them in *Edinburgh*-Caſtle.

Some few days after *Traquaire* had given this Narrative to the King at *York*; his Majeſty thought fit to ſet him at liberty from his Con- finement: And ſhortly after his Majeſty ſet at liberty from the like Confinement, the Earl of *Roxborough*, whoſe Son the Lord *Carr* (or *Kirr*) turned to *Monroe*, and took part with the *Covenanters* againſt his Father's Will.

After the King had bin a few days at *York*, there was great reſort to Court of the Nobility and Gentry of the Northern Parts; and ſuch as were Colonels of the Trained-Bands, expreſſed much forwardneſs to ſerve his Majeſty in that Expedition, in defence of the Nation, if the *Scots* ſhould Invade.

The

15 *Caroli.*

The Commanders of the Yorkſhire *Foot and Horſe.*

The Regiments of Foot were commanded by	The Horſe of the County of *York*, appointed to march, were commanded by
Ferdinando Lord *Fairfax.*	*Thomas* Lord Vicount *Wentworth.*
Sir *William Savil.*	*Thomas* Lord *Clifford.*
Sir *John Hotham.*	Sir *Thomas Fairfax.*
Sir *William Penniman.*	Captain *Butler.*
Sir *Thomas Metham.*	

Whilſt his Majeſty remained at *York*, the Earls of *Newcaſtle* and *Darby* came thither with two gallant Troops, and marched toward *Barwick*; which being at that time newly poſſeſſed by the Earl of *Eſſex* and Sir *Jacob Aſhley* with Forces, prevented *Monroe*, who was marching with Scots Forces to ſurprize that Place.

Thoſe *Engliſh* who returned from *Barwick* to the King then at *York*, alſo brought the news, how the Nobility, Gentry, and Citizens of *Edinburgh*, brought away the *Crown*, *Sword*, and *Scepter*, from *Dalkeith* in ſtate to *Edinburgh*, to be there ſafely kept, publickly making a Proteſtation of their Loialty to their Prince, and expreſſing their Wiſhes, That it might be a perpetual Crown to the King and his Roial Iſſue.

Dunbarton-Caſtle taken.

Soon after came the advertiſement to the Court at *York*, that his Majeſty's Caſtle at *Dunbarton* was alſo ſeized by the *Covenanters*, being a place of great Strength, and great Advantage, in reference to the ſecure landing of the *Iriſh* Forces, deſigned for thoſe Parts by the Lord Deputy of *Ireland.*

Theſe Places of ſtrength being thus poſſeſſed, divers of the Nobility, Gentry, Biſhops, and Clergy, oppoſers of the *Covenant*, were conſtrained to fly their Country, and to repair to *Newcaſtle* for ſhelter.

Aberdien taken.

And like *Job*'s Meſſengers, news was alſo brought, That the King's Forces, near *Aberdeen*, were beaten and diſperſed by *Monroe*, and *Aberdeen* taken, with great ſtore of Arms, Ammunition, and ſome Treaſure which was ſent thither to advance the Service of the King in thoſe Parts.

It was obſerved at *York*, that not any two of the *Scotiſh* Nation did agree in their Information concerning the Condition of the *Scotiſh* Army, and the Number of their Forces; ſome making them to be 30000, ſome 40000 at leaſt; others ſaid they were a moſt contemptible Army, not 10000, and not half of thoſe well Armed.

Upon the 5*th* of *April* the King writes to the Marqueſs, That he will ſend him a Proclamation againſt the Rebels; yet thinks he ſhall alter that Clauſe in it, not to ſet Prices upon the declared *Rebels* Heads, until they have ſtood out ſome little time, which time is to be expreſſed in the ſame Proclamation; and deſires to know of the Marqueſs

An. 1639. when to send *Devick* unto him, and whether the King shall see him before he puts to Sea.

On the 7th of *April*, the King also wrote this short Letter to the Marquess, *Viz.*

HAMILTON,

I Send you herewith my Pleasure in a Proclamation to my Subjects of Scotland; and by this command you to use all sort of Hostility, against all those who shall not submit themselves according to the Tenour of the same; for which this shall be your Warrant.

York, *April* 7. 1639. CHARLES *R.*

Whilst the King was at *York*, the Privy-Council sitting at *London*, were not wanting to promote the King's Service what they might in the Southern Parts; and to that purpose writ a Letter to such of the King's Subjects whom they conceived fit, for their Abilities, to lend the King Mony; which Letter so written, was to this effect following.

After our hearty Commendations, &c.

April 9. *THe King is gone in Person with an Army to resist the dangerous Rebellion in* Scotland, *that threatens the Peace and Safety of this Kingdom. All the Nobility, and many other Persons of Quality, do readily and dutifully assist him, some in their Persons, and others with considerable Sums of Money; whereof we hereby give you notice, that you may also lay hold on this occasion, to express your Fidelity and good Affection; and you shall do very well forthwith to signifie your Resolution to this Board, from whence his Majesty shall understand the same. And so we bid you heartily farewel.*

A List of the Names, as well of such Gentlemen as have paid Contributions into the *Exchequer*, towards his Majesty's Journey into the North, upon Letters from the Board; as of such who have promised, but not paid in their Contributions towards that Service; together with the particular Sums paid in, and promised by each.

Counties.	Persons.	Sums paid.
Berks.	Sir *George Willmot*	50 00 00
Dorset.	*John Freak* Esq;	50 00 00
Devon.	*James Welsh* Esq;	10 00 00
London.	Sir *Matthew Lister*	20 00 00

Southampton.

15 *Caroli.*

Southampton.	Sir *Francis Dowſe*	20	00	00
	Richard Whithead Eſq;	20	00	00
	Sir *Henry Clark*	40	00	00
	John Doddington Eſq;	50	00	00
	Thomas Neal Eſq;	20	00	00
Somerſet.	*John Coventry* Eſq;	100	00	00
	John Luterel Eſq;	100	00	00
	Sir *John Stowel*	100	00	00
Surrey.	Sir *Nicholas Carew*	20	00	00
	Sir *Richard Onſlow*	20	00	00
	Richard Evelin Eſq;	20	00	00
	Sir *Thomas Grimes*	20	00	00
Wilts.	Sir *William Calley*	50	00	00
	John Toppe Eſq;	20	00	00
	Thomas Bond Eſq;	40	00	00
	Total paid	770	00	00

Counties.	Perſons.	Sums promiſed.		
Berks.	Sir *Humphrey Forſter*	100	00	00
	Sir *Francis Pile*	100	00	00
Cornwal.	Mr. *Francis Baſſet*	00	00	00
Devon.	Mr. *Arthur Baſſet*	10	00	00
	Sir *John Chicheſter*	20	00	00
	Sir *Henry Wallrond*	20	00	00
	Sir *Sampſon Heley*	20	00	00
Dorſet.	*Henry Haſtings* Eſq;	50	00	00
London.	Doctor *Clarke*	10	00	00
	Doctor *Meverel*	10	00	00
	Dr. *Sim. Fox* will give to this as to the Shipping.			
	Dr. *Chambers*	00	00	00
Middleſex.	Sir *William Balfore*	30	00	00
	Mr. *Fra. Poulton*	20	00	00
Somerſet.	Sir *Hen. Berkeley*	05	Subſidy.	
	Sir *Edw. Berkeley*	20	00	00
Southampton.	Mr. *Tho. Coteal*	60	00	00
	Sir *Rob. Dillington*	30	00	00
Suſſex.	*Ralph Cooper* Eſq;	20	00	00
	Hen. Goring Eſq;	10	00	00
Wilts.	Lord *Gorges*	100	00	00
	Total	620	00	00

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The Names of ſuch Gentlemen as have returned their Anſwers to the Lords Letters, by way of excuſe, or ſignifying that they have contributed by another way.

Berkſhire.

Sir *Fra. Knowles.*
Mr. *John Fettiplace.*
Mr. *John Parker.*
Mr. *William Lenthall.*
Mr. *Tanfield Vachell.*
Mr. *Hen. Poole.*
Mr. *Dolman.*
Mr. *Hen. Martin.*

Cornwal.

Sir *Richard Vivian.*

Dorſet.

Mr. *Rich. Rogers.*

Devon.

Sir *Fra. Vincent.*
Sir *George Chudley.*
Sir *Lewis Pollard.*
Sir *John Poole.*
Sir *Nich. Martin.*

Hartford.

Sir *Rich. Lucy* Kt & Baronet.
Sir *John Cæſar.*
Sir *William Litton.*
Arthur Capell.
Fra. Tavernour Eſq;
William Lemon.

Southampton.

Sir *John Oglander.*
Mr. *Edw. Pitt.*
Sir *Tho. Biſon.*
Sir *Tho. Jervois.*

Somerſet.

Sir *Edw. Rodney.*
Sir *Will. Walrond.*
Mr. *Will. Baſſet.*
Sir *Charles Berkely.*

Surrey.

Sir *Charles Howard*, Knight, Captain of *Upnor.*
Sir *John Litcott.*
William Muſchamp Eſq;

Wilts.

Sir *Edw. Bainton.*
Sir *John Evelin.*
Mr. *Serjeant Glanvile.*
John Penruddock Eſq;

Middleſex.

Inigo Jones Eſq;
John Hawtre Eſq;

London Medici.

Sir *Theod. Mayerne.*
Dr. *Argent.*
Dr. *Tourner.*
Dr. *Winſton.*
Dr. *Oxenbridge.*

A Liſt of ſuch Perſons as have ſent no Letters in Anſwer to the Lords, touching the ſaid Contribution.

Berkſhire.

Sir *Edw. Yates.*
Sir *Rich. Harriſon.*
Sir *John Bachus.*
Sir *Thomas Read.*
Sir *John Stonehouſe.*
Sir *Henry Lamborne.*
Mr. *Dunch.*
Mr. *Standen*, Mort.
Mr. *Geo. Palfrey.*
Mr. *Lawrence Halſtead.*
Mr. *John Aſhcomb.*

Cornwall.

Sir *Reynold Mohun.*
Sir *John Trelawney.*
Sir *Rich. Edgecombe.*
Sir *Rich. Buller.*
Mr. *Charles Trevanion.*
Mr. *William Coriton.*
Mr. *Rich. Eriſey.*
Mr. *John Trefuſes.*
Mr. *Nich. Trefuſes.*
Mr. *Godolphin.*
Mr. *Noy.*
Mr. *Tho. Gawen.*
Mr. *John Roe.*
Mr. *Hugh Boſcowen.*
Mr. *Edw. Coſworth.*
Mr. *Amb. Maningſton.*

Devon.

Sir *Tho. Drew.*
Sir *Geo. Southcott.*
Sir *Edward Juell.*
Sir *John Specott.*
Sir *Hen. Roſwell.*
Mr. *Henly* of the K's *Bench.*
Mr. *Sainthill.*
Sir *Sam. Rolls.*
Sir *Rich. Revel.*
Mr. *John David.*
Mr. *Barth. Berry.*

Dorſet.

Sir *Geo. Norton.*
Sir *Fra. Fulford.*
Sir *Tho. Trenchard.*
Sir *John Croke.*
Sir *John Brane.*
Sir *John Strode.*
Sir *John Strangeways.*
Mr. *Denzil Hollis.*
Mr. *Hen. Drake.*
Mr. *Gerard Napier.*
Mr. *William Cook.*
Mr. *Roger Gallop.*
Mr. *Hubbert Huſſey.*
Mr. *Tregonnell.*
Mr. *Walter Earl.*
Sir *Peter Prideaux.*
Sir *Edward Seimore.*
Sir *Tho. Hele.*
Sir *Gregory Norton.*
Sir *Tho. Prideaux.*

Hartford.

Sir *John Watts.*
Sir *Edward Alford.*
Henry Anderſon.
John Gulſton.
Arthur Poulter.
John Gore.
John Harriſon.
William Priſley.
Ralph Sadler.

London Medici.

Dr. *Moore.*
Sir *Simon Baskervile.*
Dr. *Floud.*
Dr. *Chamberline.*
Dr. *Reade.*
Dr. *Chaddiman.*
Dr. *Gifford.*
Dr. *Wright.*

Middle-

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Middlesex.

Sir *Edward Spencer.*
Sir *Tho. Fowler.*
Sir *Robert Coke.*
Sir *John Frankline.*
Sir *Tho. Lake.*
Sir *Hen. Spiller.*
Sir *William Parkhurſt.*
Sir *Edward Carre.*
Cornelius Holland.
Captain *Peirce.*
Sir *John Heydon.*
John Huxly Eſq;
George Long Eſq;
Thomas Marſh Eſq;
Edward Nowell Eſq;
Edward Roberts Eſq;
Sir *Charles Pliddall.*
Sir *Robert Parkhurſt.*
John Denham.
Paynings Moore.
John Fowles.
Nicholas Stoughton.
Thomas Bennet.
John Combes.
John Evelin.

Southampton.

Sir *John Boteler.*
Sir *John Jennings.*
Mr. *Thomas Blunt.*
Sir *Robert Cheſter.*
Sir *Tho. Dacres.*
Sir *Hen. Wallop.*
Sir *John Mills.*
Sir *Rich. Morton.*
Sir *William Lewis.*
Sir *Edward Dennis.*
Sir *Tho. Hook.*
Sir———*Worſley*, Bar.
Capt. *Bad.*
Mr. *Hunt.*
Mr. *Jephſon.*
Sir *Edward Baniſter.*
Robert Wallop Eſq;
Mr. *Henry Sands.*
Sir *William Waller.*

Somerſet.

Sir *William Portman.*
Sir *John Windham.*
Sir *John Horner.*
Sir *Fra. Doddington.*
Mr. *John Sims.*
Mr. *Abraham Burrel.*
Mr. *Thomas Smith.*
Mr. *Hodges.*
Sir *Robert Gorge.*
Sir *Fra. Baker.*
Sir *Jo. Mallet.*
Mr. *Anth. Socker.*
Sir *Ralph Hopton.*

Surrey.

Sir *Ambroſe Browne.*
Sir *John James.*
Sir *Fra. Howard.*
Sir *Fra. Stidolph.*
Sir *John Lenthall.*
Sir *John Howland.*
Sir *Tho. Evelin.*
Sir *William Elliot.*

Suſſex.

Sir *Hen. Compton.*
Sir *Tho. Pelham.*
Sir *William Goring.*
Sir *Tho. Sackvile.*
Sir *John Leedes.*
William Foord.
Sir *John Parker.*
Thomas Chowne Eſq;
Geo. Carthop Eſq;
Walter Bartlet Eſq;
Anth. Stapley Eſq;
James Rivers Eſq;
Anthony Fowle Eſq;
William White Eſq;
James Baker Eſq;
Harbret Hay Eſq;
Sir *Edw. Biſhop.*

Wilts.

Sir *Laurence Hide.*
Sir *George Egliffe.*
Rob. Drew Eſq;

Grub

——*Grub* Esq;
Sir *Hen. Ludlow.*
Sir *Tho. Thin.* Mort.
Mr. *Grobham.*
Sir *Fra. Seimor.*
Sir *John St. John.*
Sir *Edward Hungerford.*
Sir *Nevil Pool.*
Sir *John Danvers.*
Sir *Walter Smith.*
Sir *Fra. Popham.*
Sir *William Button.*
Sir *John Earnly.*
Sir *Giles Escourt.*
Sir *Walter Vaughan.*

A Proclamation, declaring his Majesty's Gracious Pleasure, touching sundry Grants, Licences, and Commissions, obtained upon untrue Surmises.

WHereas divers Grants, Licences, Priviledges, and Commissions, have been procured from his Majesty, some under his Great Seal of England, and some others under his Privy-Seal, Signet, or Signe Manual, upon pretences that the same would tend to the common Good and Profit of his Subjects: which since upon experience have bin found prejudicial, and inconvenient to his People, contrary to his Majesty's Gracious Intention in granting the same. And whereas also upon like suggestions, there hath been obtained from his Majesty, and the Lords, and others of his Privy Council, divers Warrants, and Letters of Assistance for the execution of those Grants, Licences, Priviledges, and Commissions, according to his Majesty's good intention and meaning therein. Forasmuch as his most Excellent Majesty (whose Royal Care and Providence is ever intentive on the publick Good of his People) doth now discern that the particular Grants, Licences, and Commissions hereafter expressed, have been found in consequence far from these Grounds and Reasons whereupon they were founded, and in their execution have been notoriously abused, He is now pleased of his meer Grace and Favour to all his Loving Subjects (with the Advice of his Privy-Council) by his Regal Power to publish and declare the several Commissions and Licences hereafter following, whether the same have passed his Great Seal, Privy-Seal, Signet, and Sign Manual, or any of them, to be from hence utterly void, revoked, and hereby determined, that is to say,

A Commission touching Cottages and Inmates.

A Commission touching Scriveners and Brokers.

A Commission for compounding with Offenders touching Tobacco.

A Commission for compounding with Offenders for transporting of Butter.

A Commission for compounding with Offenders in the importing or using of Logwood.

A Commission to compound with Sheriffs, and such as have been Sheriffs, for selling their Under-Sheriffs places.

A Commission for compounding for destruction of Woods in Iron-Works.

A Commission for Concealments and Incroachments within twenty Miles of London.

A Licence to transport Sheep-Skins and Lamb-Skins.

A Com-

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A Commission to take Men bound to dress no Venison, Pheasants, or Partridges in Inns, Ale-houses, Ordinaries, and Taverns.

A Commission touching the licensing of the use of Wine-Cask.

A Comission for licensing of Brewers.

A Licence for the sole transporting of Lamperns.

And that all Proclamations, Warrants, or Letters of Assistance for putting in execution any of the said Commissions or Licences, be from henceforth declared to be void, determined, and hereby revoked to all Intents and Purposes.

And his Majesty in like favour and ease of his Subjects, is further pleased to declare his Royal Will and Pleasure to be, that the particular Grants hereafter mentioned (upon feigned suggestions obtained from him to publick damages) whether the same have passed his Majesty's Great Seal, Privy-Seal, Signet, or Sign-Manual, or any of them, shall not hereafter be put in Execution, viz.

A Grant for weighing Hay and Straw in London and Westminster, and three Miles compass.

An Office of Register to the Commission for Bankrupts in divers Counties of the Realm.

An Office or Grant for gauging of Red-Herrings.

An Office or Grant for the marking of Iron made within the Realm.

An Office or Grant for sealing of Bone-Lace.

A Grant for marking and gauging of Butter Casks.

A Grant of Priviledg touching Kelp and Sea-Weed.

A Grant for Sealing of Linnen-Cloth.

A Grant for the gathering of Rags.

An Office or Grant of Factory for Scotish Merchants.

An Office or Grant for Searching and Sealing of Foraign Hops.

An Office and Grant for the Sealing of Buttons.

All Grants of Fines, Penalties, and Forfeitures before Judgment, granted, or mentioned to be granted, by Letters Patents, Privy-Seals, Signet, Sign Manual, or otherwise.

All Patents for new Inventions, not put in practise within three Years next after the date of the said Grants.

And the several Grants of Incorporation made unto Hatband-makers, Gutstring-makers, Spectacle-makers, Comb-makers, Tobacco-Pipe-makers, Butchers, and Horners.

And his Majesty doth further Require and Command, that there shall be a proceeding against the said Patentees by quo Warranto, or Scire facias, to recall the said Grants and Patents, unless they will voluntarily surrender and yeild up the same.

And also all Proclamations, Warrants, or Letters of Assistance obtained from his Majesty, or the Lords and others of his Privy-Council for execution thereof, from henceforth utterly to cease and be determined, and are hereby absolutely revoked and recalled.

And his Majesty doth further expresly Charge and Command all and singular the Patentees, Grantees, or others any ways interessed, or claiming under the aforenamed Grants, Licences, or Commissions, or any of them, and their Deputies, that they or any of them do not at any time hereafter presume to put in ure or execution any of the

the ſaid Grants, Commiſſions, or Licences, or any thing therein contained, or any Proclamations, Warrants, or Letters of Aſſiſtance obtained in that behalf, upon pain of his Majeſties Indignation, and to be proceeded againſt as contemners of his Majeſty's Royal Commands, whereof he will require a ſtrict account. 15 *Caroli.*

Given at our Manour at *York*, the 9*th* day of *April*, in the 15*th* Year of our Raign, 1639.

This Proclamation gave great Satisfaction to the King's Subjects in the North, and much more in the South, for theſe Projects and Monopolies had been grievous to the People, who caſt out Words of an Indiſpoſition to march in the Army whilſt theſe Burthens were upon the People.

The People were much ſatisfied with the Proclamation.

And now having this occaſion to make mention of thoſe Monopolies and Projects, ſo particularly enumerated in this Proclamation, we deſire to look a few days beyond the time limitted to this ſecond part, and to let the Reader underſtand what an ill ſavour ſuch Patents and Monopolies granted by the King, had amongſt the People of better Rank, and which will beſt appear by a Speech made by Sir *John Culpeper*, of the County of *Kent* Knight, immediately after the beginning of the Parliament, which met the third of *November*; and in regard it proceeded from him being a Perſon of very great repute in his Country, and alſo who afterwards, during the late Wars, was with the King in Perſon at *Oxford*, We think fit to communicate a Branch of his Speech, in reference to Monopolies, which the Author took with his Pen at large, as he ſpoke the ſame.

Sir John Culpeper *his Speech in Parliament.*

Mr. SPEAKER,

'I Have but one Grievance more to offer unto you, but this one 'comprizeth many: It is a Neſt of Waſps, or Swarm of Vermine, 'which have over-crept the Land, I mean the Monopolies and 'Polers of the People; theſe, like the Frogs of *Egypt*, have gotten Poſ-'ſeſſion of our Dwellings, and we have ſcarce a Room free from them. 'They ſup in our Cup (*a*). They Dip in our Diſh (*b*). They ſit 'by our Fire (*c*). We find them in the Dye-Fat, Waſh-Bowl (*d*), 'and Powdring-Tub (*e*). They ſhare with the Butler in his Box (*f*). 'They have Marked (*g*), and Sealed (*g*) us from Head to Foot. 'Mr. *Speaker*, they will not bate us a Pin (*h*). We may not buy our own 'Cloaths without their Brokage. Theſe are the Leeches, that have 'ſuckt the Common-Wealth ſo hard that it is almoſt become Hectical. 'And Mr. *Speaker*, ſome of theſe are aſhamed of their Right Names, 'They have a Vizard to hide the Brand, made by that good Law in the 'laſt Parliament of King *James*, they ſhelter themſelves under the 'Name of a Corporation, they make By-Laws which ſerve their turn 'to ſqueze us, and fill their Purſes: Unface theſe, and they will prove 'as bad Cards as any in the Pack. Theſe are not Petty-Chapmen, but 'Whole-Sale-Men. Mr. *Speaker*, I have ecchoed to you the Crys of 'the Kingdom, I will tell you their Hopes, They look to Heaven for a 'Bleſſing upon this Parliament. They hang upon his Majeſty's exem-'plary Piety and great Juſtice, which renders his Ear leſs open to the

(*a*) Patent for 4 *l. per* Tun on Wine.
(*b*) Licence to dreſs Meat in Taverns.
(*c*) Impoſition on Coals.
(*d*) Patent for Soap.
(*e*) Tax upon Salt.
(*f*) Patent for Cards & Dice.
(*g*) Beavers, Felts, Bone-Lace, &c.
(*h*) Patent for Pins.

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'juſt Complaints of his Subjects; We have had lately in his Speech a 'Gracious Aſſurance of it. The other great Affairs of the Kingdom, 'and this our Grievance of no leſs import may go Hand in Hand, in 'Preparation and Reſolution. Then by the Bleſſing of God, we ſhall 'return home with an Olive Branch in our Mouths, and full Confir-'mations of the Priviledges, which we received from our Anceſtors, 'and owe to our Poſterity, which every free-born *Engliſh* Man hath 'received with the Air he breathed in.

Theſe are our Hopes, theſe are our Prayers.

April the 10*th* the King writ to the Marqueſs to this Effect.

HAMILTON,

Concerning a Proclamation againſt the *Scots*.

ACcoʒding to my pʒomiſe on Thursday laſt, I ſend heʒe-with the Pʒoclamation altered, as I then wʒote; and that you may not think that theſe Alterations aʒe gʒounded upon new Councils, I ſhall deſiʒe you to obſeʒve, that I do not ſo much as ſeem to add the leaſt thing to my foʒmeʒ Pʒomiſes. It is tʒue that I neitheʒ mention the late pʒetended Geneʒal Aſſembly at Glaſgow, noʒ the Covenant at this time: my Reaſon is, that if foʒ the pʒeſent I could get Civil Obedi-ence, and my Foʒts ʒeſtoʒed, I might then talk of the otheʒ things upon betteʒ teʒms. As foʒ exceping ſome out of the Geneʒal Paʒdon, almoſt eveʒy one now thinks that it would be a meaʒs to unite them the faſteʒ togetheʒ; whereas theʒe is no feaʒ, but that thoſe who aʒe fit to be excepted, will do it themſelves, by not accepting of Paʒdon, of which Numbeʒ I pʒay God theʒe be not too many. So that now you aʒe to go on accoʒding to youʒ foʒmeʒ Diʒections, only Pʒoclaim this inſteaʒ of my foʒmeʒ Signed Pʒoclamation, and ſo to pʒoceed with Fiʒe and Swoʒd, againſt all thoſe that ſhall diſobey the ſame. So Pʒaying to God to pʒoſpeʒ you in all things. I Reſt,

York, *April* 10. 1639. 4. Afternoon.

Youʒ aſſuʒed conſtant Fʒiend,

CHARLES R.

The ſame day the King writ again to the Marqueſs this following Letter.

I Have ſpoken with Henʒy Vane at full of all thoſe things, and agʒ:e in all but one, which is that he thinks youʒ going into the Fʒith, will make the Rebels enteʒ into England the ſooneʒ; whereas on the contʒaʒy, I think that my Poſſeſsing of Caʒliſle and Beʒwick, hath made them ſo Mad, they will enteʒ in as ſoon as they can peʒſwade an Aʒmy togetheʒ, except they be hindʒed by ſome awful Diveʒſion; wheʒefoʒe I could wiſh that you weʒe even now in the Fʒith, though the Boʒdeʒs might be quiet till my Aʒmy be bʒought togetheʒ; which they ſay will haʒdly be yet theſe ten days: Yet I am not out of hope to be at Newcaſtle within theſe fouʒteen days, and ſo to Beʒwick, as ſoon as I may with eitheʒ Honouʒ oʒ Safety; wheʒefoʒe my Con-cluſion is, Go on a God's Name in youʒ foʒmeʒ Intentions, except

I

I ſend you otherwiſe Word, or your ſelf find ſome inevitable Neceſsity. 15 *Caroli.*

York, *April* 10, 1639. Your aſſured Conſtant Friend,

CHARLES R.

POSTSCRIPT. I have ſent you ten Blanks, whereof four be Signaturewiſe.

When the Lord Deputy underſtood that the *Scots* had taken *Dunbarton*-Caſtle, he wrote this enſuing Letter of Advice to the King, dated *April* 15. 1639.

May it pleaſe your Sacred Majeſty,

SIR George Radcliff *being to repair thither for a few Weeks, to ſettle the Payment for the Regiment ſent hence to* Carliſle, *and ſome other private Matters concerning our ſelves, will attend your Majeſty at* York, *and diſpatch hither ſuch Commands as you ſhall vouchſafe to honour me with, therefore I crave Directions in ſome Particulars, leſt when they happen, your Service may ſuffer for want of clear, and good Inſtructions aforehand.*

In caſe any Scotiſh *refuſe to take the Oath of Abjuration: What is your Pleaſure we ſhould do with them? ſhall we* Lege Taliones *here, as there, Impriſon the Parties Delinquent? ſeize their Lands and Holdings to your Majeſty for the uſe of the Publick?*

Whether a Proclamation might not be had, to Command Home to their Dwellings, the Scotiſh *that have Poſſeſſions in this Kingdom? and if they refuſe, in like manner to ſeize their Eſtates; as it ſeems thoſe Lordly Covenanters ſerve your true Subjects there: ſuch of that Nation, I mean, as are now reſiding, and of the rebellious Covenant.*

Whether it be your Pleaſure, that your Ships at Sea take as many Scotiſh *Veſſels as they meet with? and how your Majeſty appoints us to diſpoſe of thoſe Ships, their Men and Ladings?*

Whether it were not good to keep as many of their Maſters of Ships, as we ſhall take, the more to diſable them at Sea, and we to have uſe of them as Pilots, in caſe there be occaſion of Service on their Coaſt?

The Earl of Argile *hath in* Cantire *twenty Boats for Tranſportation of Men: Whether your Majeſties Ships ſhall endeavour to take, or burn them?*

Whether it be your Pleaſure to cut off in preſent all Commerce betwixt the two Kingdoms, the Degrees and Cautions your Majeſty ſhall ordain for us to obſerve therein?

Your Majeſty's Caſtle of Dunbarton, *was extreamly ill loſt, in my opinion of greater Conſequence by far (all duly conſidered) than the Caſtle of* Edinburgh; *therefore much more happy, had it been better ſecur'd, which by your Shipping might hence have been eaſily effected, had your Majeſties deſire thereof been early underſtood by us on this ſide: for by this means, in in caſe* Leſley *prevail againſt* M. Huntley, *and the Town of* Aberdeen, *as the Report goes he hath, there is nothing left behind to ſtay them from breaking down into* England *this Summer, which is the only Danger I apprehend in the Buſineſs.*

The Lord Deputy *Wentworth's* Letter to the King concerning *Dunbarton* Caſtle.

An. 1639.

Hence it is that I could wiſh no Hoſtile Act had bin done upon them this Summer, whereby to provoke, or give pretence to ſuch an Invaſive Inſolence; and that the ſtop of their Shipping had been reſpited till toward the beginning of September *at leaſt, and then, by the concurrence of your Miniſters on both ſides, executed on one day through both Kingdoms.*

But now looking upon things as they are, I do moſt humbly, and earneſtly beſeech your Majeſty to Command, that Barwick *and* Carliſle *be fortified in all Diligence, very powerful Garriſons put into them, as well Horſe as Foot, fill'd with all manner of Ammunition, and Stores; Perſons of Experience and Induſtry deputed to the Government of them; by all means poſſible to advance the Number of your Majeſty's Horſe, which alone, with theſe two Towns at the Back of the Rebels, will ſecure us from an Invaſion this Year, and to ſet a reſolution to ſpend the Summer in Diſciplining your Men, accuſtoming both Officer and Souldier to underſtand, and do their ſeveral Duties, and not in anywiſe to hazard a Battel for the preſent; which by God's Bleſſing may infallibly be avoided, by ſtrongly and commodiouſly intrenching your Army in ſome place of Advantage, ſo as it may ſecure* Newcaſtle, *and have both the Town and Sea to friend for all uſes. And this I mention the rather, in regard Sir* Francis Willougby *writes me Word, he finds in the place, where he is, much unreadineſs in all things belonging to a War.*

In this noble and ſafe Poſture your Majeſty may look upon their Madneſs, without oppoſing, till the ſtrength of that Torrent be paſt: that gone, perchance God may yet give them the Grace to ſee their Sin, Repent, and make Satisfaction, which of all other were moſt to be deſired: but if otherwiſe their Hearts be diſpoſed to miſchief themſelves (I truſt) only, not the reſt of your Innocent and Loial Subjects. The Winter comes on, gives time for new Counſels, which if it come to that extremity muſt be thorowly and narrowly intended, indeed on all Hands; Monies, and all other means, both of Defence and Offence, prepared with the firſt beginning of the Spring.

Your Majeſty, I truſt, will graciouſly interpret this Liberty of mine, thus to ſtray forth of my own Employment (which God knows, is more than ſufficient to keep me in work) as proceeding meerly from my Zeal to your Perſon, and having no other Aſpect than to your Serwice. God long preſerve Your Majeſty.

Fairwood-Park,
Apr. 15. 1639.

Your Majeſty's
moſt faithful, moſt humble
Subject and Servant,
WENTWORTH.

York, April the 18*th*, at ten of the Clock at Night his Majeſty writ this enſuing Letter to the Marqueſs.

HAMILTON,

IT is true that I was content to hear your Advice concerning your going into the Frith, it being chiefly to ſhew Henry Vane, that your Judgment went along as well as your Obedience: though I had a care

ver

ever to take off from you the envy of ſeeking of this particular Employment, taking it, as it is juſt, upon my own abſolute Command; yet I will not ſay, but that you might have cauſe to wonder, becauſe neither of us expreſſed our ſelves ſo clearly as we might. But my chief Errand to you at this time is, that upon ſerious Debate upon your long Letter to Henry Vane, only with him and Arundel, (for I dare truſt no other) We found no reaſon to alter my former Commands, but were more confirmed in the fitneſs of them: Only We have thought requiſite to alter ſome things in the Proclamation, which you ſhall receive by the next Diſpatch, at farthest within a day or two of this; So that you are not to (indeed I think you cannot) publiſh any until the new one come to you, (for I believe it will be at the Holy-Iſland before you); The Alterations of which you will only find to be, That I do not ſay all I think, but in no ways ſlack my Reſolution, much leſs ſeem to yield to any thing. So referring you to Henry Vane for the relating of your Proceedings here, I reſt,

York, *Apr.* 18. 1639. 10 at night.

Your aſſured conſtant Friend,

CHARLES R.

And the King in another Letter to the Marqueſs, dated *April* 23. writes to him, Not to think of the *North*, till his Majeſty hath done ſome good in the South; to which end he will haſten to *Barwick*.

On the 29*th* of *April*, the King took his Journey from *York*; but before his departure, he expreſſed himſelf how much Affection he had found from that County, and City, ſaying, That *he had never found the like true love from the City of* London, *to which place he had given ſo many Marks of his Favour.* The King leaves *York*.

His Majeſty came the firſt Night to *Raby*-Caſtle in the Biſhoprick of *Durham*, a Caſtle belonging to Sir *Henry Vane*, Treaſurer of his Majeſty's Houſhold, where he was nobly entertained. Coms to *Raby* from *York*.

From thence he went to *Durham*, where the Biſhop, with great expreſſions of Joy and Welcome, feaſted his Majeſty for ſome time. His Majeſty ſtaied in that County, while the Horſe and Foot intended to be levied there, were raiſed, and upon their March. *Durham.*

From thence he came to *Newcaſtle*, where by the Mayor and Magiſtrates of that Town; he was moſt magnificently entertained, all the Town ſeemed but as one Man againſt the *Scots* in caſe of an Invaſion. Mr. *Alexander Daviſon* then Mayor, and *Thomas Riddell* Eſq; Town-Clerk, were then Knighted by the King. The Recorder at that time was a Knight, being Sir *Thomas Riddell* the Elder, and then living, which diſpoſed the King to honour his Son with Knighthood.

The Lord Deputy having given an Oath to the *Scots* in *Ireland*, whereby to teſtify their Allegiance to the King, thought fit to acquaint his Majeſty therewith, by his Letter dated *May* 13.

May

An. 1639.

May it pleaſe your Sacred Majeſty,

BY our joint Diſpatch to Mr. Treaſurer Vane, as by the particular Letter of my Lord of Antrim to your Majeſty, will appear what hath bin done in purſuance of the late Directions concerning the fitting of his Lordſhip for his Deſign againſt the Earl of Argile, and the Terms wherein it reſts, until there may be an Ability to ſet it on foot with more probability, indeed poſſibility, than could be this Summer, which was ſo far ſpent, and his Lordſhip ſo far behind in his Preparations, as not to be recovered, or right-ſtated, before next Spring; no, albeit his Lordſhip had, or could be provided of the Mony he deſires.

By my Letrer to Mr. Secretary Cook, your Majeſty will alſo find in what good Expreſſions thoſe of the Scotiſh Nation have delivered themſelves toward your Service, and their own Allegiance; and in troth Sir, their manner was very chearful and hearty; and theſe being the Principal who have taken the Oath, it may be with confidence believed, all the reſt of meaner condition will follow their good Example.

Commiſſions are now iſſuing to take the Oath of all the reſt; they ſhall be all under the Seal by the laſt of this Month; upon which day I have given order to half of the Horſe-Troops and Foot-Companies to be at Knockfergus, their Rendezvouſe, intruſted the Maſter of the Ordnance with the commandment of them. They are already on their March, and I my ſelf am ready upon five days warning to follow them with the reſt of the Army if there be occaſion.

Thoſe Forces I haſten the more, as thoſe that will become the Buſineſs looking on, whilſt that caution of the loyalty of the Scots to the Crown is to be taken, and at hand to correct any Miſaccident that might fall forth in the accompliſhment of that Service.

Beſides, they being ſo near, and your Majeſty's Ships on that Coaſt, will certainly give the Earl of Argile more to think of, and conſider himſelf nearer home, than the raiſing of a Company of naked and unexperienced Iriſh-men by my Lord of Antrim: And to give it the bolder countenance, it is generaly believed on this ſide, that I my ſelf will follow them with the reſt of thoſe Forces.

To the beſt of my diſcerning, all is ſet on this ſide in right Affections to your Roial Perſon and Affairs, and toward Obedience and Peace, which makes me judge, That if your Majeſty had been faithfully and attentively ſerved by your Miniſters in Scotland, it had bin impoſſible there could have bin ſo general and deſperate a Defection as now ſhews forth it ſelf, even to the wonder and ſcandal of every honeſt Heart. God long preſerve your Majeſty.

Dublin, May 13. 1639.

Your Majeſty's
moſt faithful, moſt humble
Subject, and Servant,
WENTWORTH.

The

15 *Caroli.*

The Oath which the Lord Deputy gave to the Scots in *Ireland* was as followeth.

Scots Oath in *Ireland* to abjure the Covenant.

I. N. do faithfully ſwear, profeſs, and promiſe, That I will honour and obey my Soveraign Lord King Charles, and will bear Faith and true Allegiance unto him, and defend and maintain his Roial Power and Authority; and that I will not bear Arms, or do any rebellious or hoſtile Act againſt any of his Roial Commands, but ſubmit my ſelf in all due obedience thereunto; And that I will not enter into any Covenant or Band of mutual Defence or Aſſiſtance againſt any Perſon whatſoever by Forces, without his Majeſty's Soveraign and Regal Authority. And I do renounce and abjure all Oaths, Covenants, and Bands whatſoever, contrary to what I have herein ſworn, profeſſed, and promiſed. So help me God in Jeſus Chriſt.

Commiſſions to miniſter the Oath of Abjuration.

By an Act of Council in *Ireland* it was ordained, That ſeveral Commiſſions ſhould be iſſued forth under the Great Seal, to certain ſelected Perſons named by the Deputy and Council, authorizing them to give the ſaid Oath, *&c.*

Order of the Deputy and Council of *Ireland*, to impoſe an Oath on the Scots in *Ireland*.

Hereupon the Deputy and Council made an Act, To command all Perſons of the Scotiſh Nation, of the Age of ſixteen years and upwards, who inhabit, or have any Eſtate whatſoever, in Lands or Houſes, within that Kingdom, upon pain of his Majeſty's high Diſpleaſure, and the ſevereſt Puniſhments that may be inflicted, according to the Laws of the Realm, upon the Contemners of Soveraign Authority, to take the Oath.

His Majeſty ſignified his Pleaſure to the Board, That the ſame Oath ordained by the Act of Council in *Ireland*, to be taken in that Kingdom by all the Perſons of the Scotiſh Nation, ſhall in like manner be adminiſtred to, and taken by all and every Perſon and Perſons of that Nation; as well thoſe that have the honour to be Servants to the King and Queen's Majeſty, and to the Princes Highneſs, and Duke of *York*, and all others whatſoever of the Age of ſixteen years and upwards, upon pain of his Majeſty's high Diſpleaſure.

At *Whitehall*, *June* 5. 1639.

Preſent,

Lord Arch-Biſhop of *Canterbury*.
Lord *Keeper*.
Lord *Treaſurer*.
Lord *Admiral*.
Lord *Cottington*.
Mr. *Comptroller*.
Mr. Secretary *Windebank*.

Order for a Commiſſion to miniſter an Oath to Scots Men.

'WHereas his Majeſty hath commanded that an Oath formerly adminiſtred to all Scotiſh Men inhabiting within the Kingdom 'of *Ireland*, ſhould be likewiſe adminiſtred to all Scotiſh Men within 'this

An. 1639.

'this Kingdom; It was thereupon this day thought fit, and ordered, 'That the Lord *Keeper* ſhould be hereby prayed and required, to cauſe 'a Commiſſion under the Great Seal to be forthwith iſſued unto 'the Lords and others of his Majeſty's moſt Honourable Privy-Coun-'cil, reſiding in or near-about the Town; authoriſing them, or any 'two or more them, to adminiſter the ſaid Oath accordingly to all 'his Majeſty's Subjects of Scotiſh Birth, being Servants to the King 'and Queen's Majeſty, *&c.*

At Whitehall, *June* 12. 1639.

A Letter to the Sheriffs of London *and* Middleſex.

'THis ſhall be to Will and Require you to repair unto the *Tower-Wharf* on *Friday* Morning next, there to receive unto your 'Charge from Sir *Henry Manwairing* Kt, all ſuch Perſons here-under 'named, and to ſee them ſafely conveyed and delivered, according 'to the Directions of the ten ſeveral Warrants. So not doubting 'of your care therein, *&c.*

Signed by,

Lord *Keeper.*
Lord *Treaſurer.*
Earl of *Suffolk.*
Lord *Cottington.*
Lord *Newburgh.*
Mr. Secretary *Windebank.*

Scotiſh Men committed for refuſing to take the Oath.

Colonel *John Monroe.*
Lieutenant Col. *George Forbes.*
Lieut. Col. *Alexander Bartley.*
Lieut. Col. *John Kenemouth.*
David Bartley.
George Mackeinee.
George Forbes.
Gilbert Blane.
David Trile.
Adam Campbell.
Gilbert Campbell.
Alexander Herriot.
George Hay.
Henry Benſon.
John Browne.
Lawrence Swethman.
Robert Humſden.
John Fuins.
Lieut. *Harvey.*
Patrick Kircaldy.
David Kennedy.
Thomas Mitchel.
James Crockshanck.
Fr. Forbes.
Henry Browne.
John Cunningham.
David Hunter.
George Hunter.
Arthur Forbes.
Alexander Dunn.
John Deſeos.
Lieut. Col. *Mills.*
Capt. *Carr.*
David Donalſdon.
Alexander Dixon.
George Buchanan.
John Sibett.
David Belly.
William Admiſton.
Andrew Ramſey.
Alexander Wollace.
John Graunt.

May the 17*th*, the King wrote to the Marqueſs, not to fight till the King was come upon the Borders.

HAMILTON,

15 *Caroli.*

HAMILTON,

I have kept this honeſt Bearer the longer, that I may with the more aſſurance give you my Directions what to do; conſiſting of two Points, Fighting and Treating. For the firſt, We are ſtill of the ſame Opinion, That it is not fit that you ſhould go on until I be in the Borders, which will be (by the Grace of God) by this day eight days; except you find that before that time, they march down to meet me with a great Strength; in that caſe you are to fall on them immediately, and in my Opinion, as far up in the Frith as you think probably may do good, thereby to make a Diverſion. In the mean time I like well, That you go on upon the ground of Treaty you ſent a Note of to Maſter Treaſurer, (which you will find I have under-written) no Body elſe being acquainted with it. Thus having given you my Directions, both concerning Fighting and Treating, I leave the reſt to the faithful Relation of the honeſt Bearer; and Reſt,

Newcaſtle, *May* 17. 1639.

Your aſſured conſtant Friend,

CHARLES R.

May 22. The King wrote to the Marqueſs from *Newcaſtle*, That Rumors came ſo thick of the great Forces that the Rebels mean very ſhortly to bring upon his Majeſty, and that he thought fit to adver-tiſe him therewith, that he might be ready, upon the firſt notice, to land at the *Holy-Iſland*.

Shortly after two Regiments commanded by *Morton* and *Harecourt* were diſpatched away, and landed at *Berwick* on the 29*th* of *May*.

The King drawing near with his Army towards *Berwick*, the Lord General cauſed the Army to be drawn up in *Batalia*, and then the King took a view of that gallant Army, as by the following Liſt it doth appear to be, and marched on the head of them towards the River *Tweed*, which parteth *England* and *Scotland*; and near to that River, two miles Weſt from *Berwick*, at a place called the *Birks*, the King pitched his Tent within a large Pavilion, and encamped there. The Nobility, and the King's Houſhould-Servants, Bed-Chamber-Men, Privy-Chamber-Men, *&c.* pitched their Tents near to the King.

The King marches on the head of his Army.

An. 1639.

A Liſt of the Regiments and Bands of Foot, which ſerved his Majeſty in this Expedition into the Northern Parts, viz.

		Foot.
Lord *General*, Earl of *Eſſex*, Earl of *Newport*, Sir *Jacob Aſhley*,	The four old Regiments, with their Officers, over and above the Officers General of the Field, and the Officers of the Lord General's Train, containing in number	6000
Sir *William Savile*'s Regiment, containing in Officers and Souldiers		886
Sir *Henry Vane*'s Regiment		1099
The Lord *Willoughby*'s Regiment		807
Sir *William Penniman*'s Regiment		1070
Colonel *Hamond*'s Regiment		1007
Sir *Thomas Morton*'s Regiment		1637
Sir *Simon Harcourt*'s Regiment		1637
Sir *John Hotham*'s Regiment		867
Sir *Thomas Metham*'s Regiment		867
Mr. *Henry Percy*'s Regiment		867
The Lord *Fairfax*'s Regiment at *Carliſle*		1300
Captain *Muſgrave*'s Company		160
Captain *Hudleſtone*'s Company		110
Lord *Barimore*'s Regiment		1300
	In toto	19614

Beſides the Foot-Companies under the Lord Marqueſs *Hamilton*, and the two Garriſons at *Berwick* and *Carliſle*.

The Charge of the Train of Artillery in four Months, did amount to 5800 *l.*

A Liſt of the Troops of Horſe, and Companies of Dragoons, which ſerved his Majeſty in this Expedition into the Northern Parts, 1639. *viz.*

The Officers General of the Troops.

	Horſe.
The General of the Horſe his Troop of	100
The Earl Marſhal's Troop, containing	100
The Earl of *Eſſex* his Troop, containing	100
The Earl of *Newport*'s Troop	100
The Lieutenant General *Goring*'s Troop	100
The Commiſſary-General *Wilmot*'s Troop	100
The Lord Vicount *Grandiſon*'s Troop	100
The Lord *Wentworth*'s Troop	100
The Lord *Clifford*'s Troop	100
The Earl of *Newcaſtle*'s Troop, not paid by his Majeſty	100
The Lord *Dungarvan*'s Troop	100

Sir

15 Caroli.

Sir *John Sucklin*'s Troop	100
Six Troops under the Command of the Lord *Chamberlain*, coht.	600

Dragoons.

Six Companies under the Command of Colonel *Francis Trafford*, containing	600
Captain *Widdrington*'s Troop	120
Captain *Douglaſs*'s Troop	100
Captain *Charlton*'s Troop	50
Captain *Elliot*'s Troop	100
Sir *William Lambton*'s Troop, *Dureſme*	100
Sir *Thomas Fairfax*'s Troop	160
Captain *Butler*'s Troop	130
Mr. *Henry Pierce*'s Troop	100
Sum of the Horſe	3260

May 29. Soon after his Majeſty's coming to the Camp at *Barwick*, he received this Letter from Marqueſs *Hamilton.*

Moſt Sacred Majeſty,

Marqueſs *Hamilton*'s Letter to the King, *May* 29.

EVery day may produce new Counſels, and if I alter in them, impute it not to fickleneſs, but to the reality of my Intentions to your Majeſty's Service, that writes what I think.

Hearing for certain that the Covenanters *have given Obedience to your Majeſty's laſt Proclamation, and will not come within ten miles of the Borders, there is now no more doubt to be made, but that you will be ſo faſt in your Leaguer, that it will not be in their Power to do the leaſt affront to your Army. So as my farther Treaty in theſe Parts where I am is to no end, ſince that is effected which was only laboured for, your Majeſty being in ſecurity. So I conceive it will now be time to ſpeak other Language than hitherto hath bin done, and they to be enjoined a total Obedience to your juſt Commands. This will be beſt put in execution by your own immediate Directions, you being now ſo near the Rebels; for if your Pleaſure ſhould be ſent to me, the Winds being uncertain, and I more uncertain how to put the ſame in execution, (I mean, if they be Commands of Treaty) your Service might receive prejudice by delays; and to deal really with your Majeſty (which I humbly deſire your Majeſty to pardon me for expreſſing) I have no deſire at all to be imploied in Treaty with this People, for many Reaſons: Amongſt which this is not one of the leaſt, That as I hear the Earl of* Traquaire *and* Southesk *are deſirous to have leave to come to me, which (whatſoever courſe your Majeſty ſhall be pleaſed to take) I beſeech you not to grant; for the effects of their coming to me, will produce no great good to your Service, and prove infinitely prejudicial to me; for ſo unhappy am I ſtill, that if by the Faults of others your Service miſcarrieth, the Fault is ſtill laid on me, by thoſe whom I have not deſerved it from.*

Notwithſtanding my averſeneſs of farther Treaty, I have not refuſed as yet to admit any that ſhall be ſent with their Petitions; but this I only do till the return of Sir James, *by whom I expect the ſignification of your Majeſty's Pleaſure: in the interim, if any deſires of theirs be ſent me,*

An. 1639.

my Anſwers ſhall be ſuch as your Majeſty ſhall be no ways ingaged by them.

I have writ of ſome other Particulars to Mr. Treaſurer, *ſo your Majeſty ſhall be no more for the preſent troubled by*

From aboard the Rainbow *in* Leith-*Road*, May 29. *at 7 morning*, 1639.

Your Majeſty's Moſt Loyal Subject, and Humble Servant,

HAMILTON.

The Lord Deputy underſtanding his Majeſty was on his March, in order to encamp himſelf and Army, offers his Advice in that Particular, by a Letter dated *May* 30.

May it pleaſe your Majeſty,

Lord Deputy's Letter of Advice to the King to encamp his Army

HAving given ſo particular an Anſwer to what Mr. Treaſurer Vane *wrote unto me from your Majeſty, this may well be of leſs pain in the reading, craving leave to refer my ſelf thereunto.*

The Commiſſions for taking the Oath of Abjuration *from all of the Scotiſh Nation on this ſide, are already under Seal, and ſhall be ſped with all poſſible care and diligence, not doubting but they will produce the Effect deſired and expected.*

Sir Henry Bruce *came hither this week, and hath already his diſpatch toward my Lord of* Antrim. *In truth he ſeems to be a very fair conditioned Gentleman, and knowing in his Profeſſion; and there is need he be ſo, for he will not find among all that Earl employs, one other that doth therein underſtand any thing at all.*

We hear now and then, that they intend to Beat, to Bang, to Conquer; but the way how, the means wherewith they ſhould make themſelves as good as their word, as yet appears not to the Miniſters of this State; nor can I find, by the Diſcourſe I have had with him, that Sir Henry Bruce *hath hitherto any great opinion or belief in the Deſign of the Earl, or his Party.*

Theſe Lines will have the honour to be delivered to your Majeſty in the Camp Royal; God Almighty fight for you, and with your Batalions; *and admit the liberty humbly to beſeech your Majeſty,*

To intrench your Army with all poſſible ſtrength and diligence, that ſo you may not be conſtrained to any thing above your liking by the Enemy; and that the place be ſo choſen, wherein you may both have the Sea to Friend, and a ſafe and free Paſſage betwixt your Majeſty's Camp and Barwick, *for by this means you ſhall not only ſecure your Perſon, but the Kingdom of* England *from any ſudden and deſperate fury of the Rebels, being that which they only can endanger either the one or the other by.*

Next; Not to provoke them by any Offenſive Act to break in upon their Neighbours this Summer, till it be the end of Auguſt, *keeping all quiet as poſſibly may be till then.*

Indeed,

Caroli 15.

Indeed, I conceive ſtrengthning your Horſe all that poſſibly you may the whilſt, by the beginning of September, *if no other ſenſe of their own Tranſgreſſions, and your Majeſty's Clemency, ſhall be able to perſwade them into their Duty, you may with great ſucceſs ſuddenly march up all your Horſe as far as* Edinburgh, *and ſpoiling and burning all the Corn of their Champian Country, and taking from them all their Shipping, Fiſhing and Commerce, leave them to fight it out for the reſt of the Winter among themſelves with cleanneſs of Teeth, when a ſtrong Garriſon at* Berwick, *and the very inſtant ſeaſon of the Year ſhall move them, whether they will or no, to keep near their own Fires ſide.*

And Laſtly, Your Majeſty to give order to ſecure Carliſle, *by putting* 1500 *Men more into the Town;* 500 *Men being too ſmall a number, to make it good againſt an Enemy; however, not to divide thoſe* 500 *at leaſt, as lately they were, one hundred of them being taken forth of the Town to defend* Bencaſtle, *and another hundred to the guarding of another Caſtle, being places of no ſtrength, or conſequence, and which an Enemy would ſcarcely ever think upon, unleſs incited thereunto out of a hope to have Execution of thoſe two Companies, ſo ſeparated from the reſt of the Regiment.* God long preſerve your Majeſty.

Dublin, *May* 30. 1639.

Your Majeſty's

moſt faithful, moſt humble

Subject and Servant,

WENTWORTH.

May 30.

Thurſday, the King goes to *Berwick*, to ſee in what poſture that Garriſon was, and what Proviſions was laid in there for the ſame, and the ſame day the Earl of *Newcaſtle* marched with his Troop, carrying the Princes Colours, into *Barwick*, and ſent out Parties to ſcout upon the *Scots* Borders; his Troop conſiſted all of Gentlemen, moſt of them of very good Eſtates, and Fortunes, ſome of 2000 *l.* 1500. *l.* 1000. *l.* and 500. *l. per Annum*, and the reſt of good Annual Revenue; all gallantly mounted and armed, and well attended, with their own Servants well mounted: for the maintaining of which Troop the King was put to no Charge at all.

The Earl of *Newcaſtle* marches with the Prince's Troop into *Berwick*.

The ſame Day the King had Intelligence, that General *Leſly* with about 6000 of the *Scotiſh* Army were quartered at *Dunce*, a Town about ſeven Miles diſtant from the *Engliſh* Camp, and the Day following, *May* 31. commanded the Earl of *Holland*, General of the Horſe, to march with 2000 Horſe into *Scotland*, and take his Advantage upon the Enemy. Accordingly the Earl marched, but the Enemy (having better Intelligence of our Motions and Intentions, than we had of their Quarters) was not to be found; upon the coming of our Forces into the Town, the People cryed, *God bleſs the King*, and that they were all his Majeſty's obedient Subjects, and readily brought forth their *Scots* Ale, and what they had, to bid the *Engliſh* Welcome, and ſo the Earl having read the King's Proclamation, returned back to the Camp. This Paſſage was obſervable in that March, that the Earl of *Holland* put the Princes Colours, commanded by the Earl of *Newcaſtle*, in the Rear,

The Earl of *Holland* marches with 2000 Horſe to *Dunſlaw*.

An. 1639. The Earl of *Newcaſtle* takes off his Colours from his Staff.

Rear, which ſo offended the Earl of *Newcaſtle*, and that Troop, as his Lordſhip commanded Cornet *Edward Gray* (Brother to the Lord *Gray* of *Wark*) to take the Colours from off the Staff, yet marched in order without Colours, which afterwards produced a Challenge, of which more in another place.

Bartue Lord *Willoughby*, Earl of *Lindſey*, was that day made Governor of *Barwick*, Sir *Michael Earnley* an experienced Commander, had the Command of that Garriſon till the King came that day in Perſon to *Barwick*.

Now having ſetled the King and his Land Forces in the Camp, give the Author leave a little to revert in point of time, to give a brief account of the Forces ſent by Sea under Marqueſs *Hamilton*, againſt the *Scots* from the time the Marqueſs entred the *Frith* with his Fleet.

May 1. Marqueſs *Hamilton* entred the *Frith*, an Arm of the Sea, and caſt Anchor in *Leith-Road:* but as ſoon as he came thither, Beacons were ſet on Fire upon all the Hills, to alarm the Country to riſe and get together for the defence of the *Frith* on both ſides, and to prevent the Landing of Forces, but the Marqueſs's Orders, were in the firſt place to get the Proclamation publiſhed, to which purpoſe he ſent a Letter to the Clerk of the Council, then at *Endinburgh*, to come to him: but the Clerk returned anſwer, That he was kept by force from coming to wait upon him.

May 2. The Marqueſs landed his Forces on *Inchkeith* and *Inchkome*, two little Iſlands in the *Frith*, and the Wells being out of order, he cauſed them to be cleanſed for the relief of his Souldiers, and exerciſed thoſe raw Men that were ſent unto him, but the Small-Pox fell among them and many died.

May 5. Three days after his former Meſſage to the Magiſtrates of *Edinburgh*, he ſent one aſhore, with his Majeſties Proclamation incloſed in a Letter to them, commanding them to publiſh it the next day in due form, under all pains; and ſent another Proclamation to the Clerk of the Council, commanding him to ſee it publiſhed, or if that were not done, to affix it at the Croſs. But the Magiſtrates deſired a delay of three days, to which he yeilded, becauſe he would have the eight days fully paſt which were prefixed for People to come in upon the Proclamation, which was to expire on the 9*th* of *May*.

About which time his Majeſty writ this Letter to the Marqueſs.

May 8. His Majeſty writ this Letter from *Newcaſtle* to the Marqueſs.

HAMILTON,

I Give you my opinion, that if you find it not fit to land all your 5000 Men upon Lothian-ſide, then it may be counſellable to ſend moſt of your Land-Men to the North, to ſtrengthen my Party there. As for your landing in the South, I ſhall only name Tentallon and Sterlin, (if that be not too far off to be relieved): as for Tentallon I ſhall command the Marqueſs of Dowglaſs to ſend one to agree that Buſineſs with you. So longing to hear from you, and wiſhing you good Luck, I Reſt,

Newcaſtle, *May* 8. 1639.

Your aſſured Conſtant Friend,

CHARLES R.

15 *Caroli.*

On the 9*th* of *May*, the Marqueſs received this following Letter, ſignified by about forty of the chief Lords and Gentlemen Covenanters, ſhewing how this Proclamation was againſt Law.

Pleaſe your Grace,

'AS we were here met to attend the Parliament, indicted by his 'Majeſty, there was ſhewed to us by the Provoſt of *Edinburgh*, a 'Letter from your Grace to himſelf, and the Bayliffs, and Council of 'this City, with the Copy of theirs returned to your Grace, deferring 'the more full Anſwer till our meeting. And withal there was pre-'ſented from your Geace his Majeſties Proclamation, which having 'peruſed, we find it doth contain divers points not only contrary to 'our National Oath to God, but alſo to the Laws and Liberties of the 'Kingdom, for it carries a denunciation of the High Crime of Treaſon, 'againſt all ſuch as do not accept the offer therein contained; albeit it 'be only a Writing put in Print without the Kingdom, and not warranted 'by Act and Authority of the Council, lawfully convened within this 'Kingdom. And your Grace in your Wiſdom may conſider, whether 'it can ſtand with the Laws, Liberties, and Cuſtoms of this Kingdom, 'that a Proclamation of ſo great and dangerous conſequence, wanting 'the neceſſary Solemnities, ſhould be publiſhed at the Market-Croſs of 'this City. Whereas your Grace knows well, that by the Laws of 'this Kingdom, Treaſon and Forfeiture of the Lands, Life and Eſtate 'of the meaneſt Subject within the ſame, cannot be declared but ei-'ther in Parliament, or in a ſupream Juſtice Court, after Citation and 'lawful Probation; how much leſs of the whole Peers and Body of the 'Kingdom, without either Court-proof or Trial. And albeit we do 'heartily and humbly acknowledg and profeſs all dutiful and civil 'Obedience to his Majeſty, as our Dread and Gracious Soveraign; 'yet ſince this Proclamation does import in effect the renouncing of 'our *Covenant* made with God, and of the neceſſary means of our 'lawful Defence, We cannot give Obedience thereto, without bring-'ing a Curſe upon this Kirk and Kingdom, and Ruin upon our Selves 'and our Poſterity; whereby we are perſwaded, that it did never pro-'ceed from his Majeſty, but that it is a deep Plot contrived by the 'Policy of the deviliſh Malice of the known and curſed Enemies of 'this Church and State, by which they have intended ſo to diſ-join 'us from his Majeſty, and among our Selves, as the Rupture, Rent, and 'Confuſion of both might be irreparable; wherein we hope the 'Lord (in whom we truſt) ſhall diſappoint them. And ſeeing we 'have left no means poſſible uneſſayed ſince his Majeſty's coming to '*York* (as before) whereby his Majeſty's Ear might be made patent 'to our juſt Informations, but have uſed the help (to our laſt *Re-'monſtrance*) of the Lord *Gray*, the Juſtice Clerk, the Treaſurer, and 'the Lord *Daliel*, as the Bearer can inform your Grace, and yet have 'never had the happineſs to attain any hopes of our End, but have 'altogether bin fruſtrate and diſappointed; and now underſtanding, 'by the ſight of your Grace's Letter, That your Grace, as his Maje-'ſty's High-Commiſſioner, is returned with full Power and Authority 'to accommodate Affairs in a peaceable way, we will not ceaſe to 'have recourſe to your Grace, as one who hath chief Intereſt in this

'Kirk

An. 1639.

'Kirk and Kingdom; deſiring your Grace to conſider, (as in our 'judgment we are perſwaded) That there is no way ſo ready and aſ-'ſured to ſettle and compoſe all Affairs, as by holding of the Parlia-'ment according to his Majeſty's Indiction, either by his Sacred Ma-'ſty in Perſon, (which is our chiefeſt deſire) or by your Grace, as his 'Majeſty's Commiſſioner, at the time appointed; wherein your Grace 'ſhall find our Carriage moſt humble, loyal, and dutiful to our So-'veraign, or to your Grace, as repreſenting his Majeſty's Perſon; 'and in the mean time, That your Grace would open a ſafe way, 'whereby our Supplications and Informations may have acceſs to his 'Majeſty's Ears: And we are fully perſwaded, that we ſhall be able to 'clear the lawfulneſs and integrity of our Intentions and Proceedings 'to his Majeſty, and make it evident to his Majeſty and to the World, 'that our Enemies are Traitors to the King, to the Church and State; 'and that we are, and ever have bin, his Majeſty's Loial and Obedi-'ent Subjects. So we Reſt,

Edinburgh, May 9. 1639. Your Grace's humble Servants,

A. Leſley.	*Elcho.*
Argile.	*Lindſey.*
Marr.	*Balmerino.*
Rothes.	*Montgomery.*
Eglinton.	*Forreſter.*
Caſſils.	*Erskins.*
Wigtown.	*Boyd.*
Dalhouſy.	*Napier.*
Lothian.	*Burghly.*
Angus.	*Kirkudbright.*

And about thirty Commiſſioners for Sheirs and Burroughs.

To this Letter, the Marqueſs wrote the following Anſwer next day, directing it to the Earl of *Rothes*.

My Lord,

I Received a Letter yeſterday morning, ſigned by your Lordſhip, and divers Noblemen and others, wherein you allege you are come to attend the Parliament; but conſidering your Preparation and Equipage, it appears rather to fight a Battel, than to hold a civil Convocation for the good of the Church and Common-Wealth. You may perceive by his Majeſty's Gracious Proclamation, That he intended, in his own Sacred Perſon, to be preſent at the Parliament, ſo ſoon as with Honour and Safety he might do it, and for that end expreſt therein what was fit to be done. But theſe courſes which you take, and your diſobedience to his juſt Commands, daily more and more ſhewed, will neceſſitate him to have them put in execution another way. It is true, That his Majeſty ſent me hither to accommodate theſe Affairs in a peaceable manner, if it were poſſible, which I have laboured to do, and accordingly my deportment hath bin, which hath bin met with that Retribution, as if I had met with the greateſt Enemy; but your refuſing to publiſh his Majeſty's Grace to his People, ſignified in his Proclamation, hath taken away that Power which otherwiſe I had, that being

15 Caroli.

being a Liberty taken to your ſelves, which never any Loial Subjects aſſumed in any Monarchy. You allege many Reaſons for your ſelves of the Illegality of that Proclamation: But you cannot be ignorant that your Carriage hath forced many of theſe Principal Counſellors, for ſafeguard of their Lives, to forſake the Kingdom, out of which they remain; yet for the ſame cauſe you have ſuppreſſed the printing of all Writings, but what is warranted by Mr. Alexander Henderſon, *and one Mr.* Archibald Johnſton. *Neither was the Clerk of the Council, whom I ſent for twice to give him Directions in this Buſineſs, permitted to come aboard to me; upon conference with whom (for any thing you know) I might have reſolved to come aſhore and convened a Council for the publication thereof in the ordinary way. But your extraordinary proceedings in all things, muſt needs force from his Majeſty ſome things which perhaps you may think not ordinary. Whereas you deſire me to be a means that your Supplications may have free acceſs to his Majeſty's Ears: it is a Work of no difficulty, for his Majeſty hath never ſtopt his Ears to the Supplications of any of his Subjects, when they have bin preſented to him in that humble and fitting way which became dutiful Subjects: Nor did I ever refuſe any, all the time I was among you, or conceal any part of them from his Majeſty; ſo that your Allegation of not being heard, is grounded upon the ſame falſe Foundations that your other Actions are, and ſerves only for a means to delude the ſimple People, that by making them believe what you have a mind to poſſeſs them with, they may become backers of your unwarranted Actions; which as it is generally lamented by all his Majeſty's good Subjects, ſo it is more particularly by me, who have had the honour to be imploied in this Buſineſs with ſo bad ſucceſs.*

May 10.

My Lord,

Your humble Servant,

HAMILTON.

On the 13*th* of *May* the Marqueſs received the following Letter, ſigned, but not written by the Earl of *Rothes.*

Pleaſe your Grace,

'I Should have bin far better contented to have ſeen you here at the 'Parliament with his Majeſty, or holding that indicted as his Ma'jeſty's Commiſſioner, than with Navy and Army to conſtrain 'us beyond theſe juſt Limits of Religion, and lawful Obedience which 'we were always willing to perform. It was far by my Expectation, and 'your Grace's Oath & Promiſe, that you ſhould never come in any chief 'Command againſt your Native Country. Whereas your Grace doth 'challenge our coming in ſuch Numbers to attend this Parliament, I 'hope you conceive that this Navy, and Army upon the Borders, and 'the Invaſion threatned in the Weſt, do ſufficiently warrant our Pre'parations to defend theſe Places, and divert ſuch Dangers. That 'Proclamation that is ſaid to carry ſo much Grace and Goodneſs, is as 'deſtitute of that, as your Invaſion is of a good Warrant; which per'ſwades me, That neither of the two proceeds from his Majeſty's own

An. 1639.

'Gracious Diſpoſition. I cannot ſtand here to anſwer all theſe miſ-'conceived Particulars contained in your Grace's Letter; but if I 'had the honour to ſee your Grace, before any more miſchief be 'done, I dare engage my Honour, and my Life, to clear all theſe 'Imputations laid on our Proceedings; and I can demonſtrate how 'hardly we have bin uſed, without any juſt Reaſon. I dare not be 'anſwerable to God Almighty, and to that Duty I owe my Prince 'and Country, if I do not ſhew your Grace, that your going a little 'further in this violent and unjuſt way, will put all from the hopes of 'Recovery; from which both a great deal of Blame from Men, and 'Judgment from Above ſhall attend you as the ſpecial Inſtrument, 'which I wiſh you labour to evite. If our Deſtruction be intended, 'we are confident in that Majeſty who owns this Cauſe, and is able to 'defend it; and if only Terrors to fright, and prepare us to accept of 'any Conditions will be offered; that Intention is already as far diſ-'appointed, as any of theſe many former: but as we are ready to 'defend, ſo ever to inſiſt in ſupplicating, in uſing all humble and 'lawful means as becomes us.

'Mr. *Borthwick* will deliver to your Grace our Supplication to his 'Majeſty, and both his and my Mind, till I ſhall have the occaſion to 'diſburthen my ſelf, ſurcharged with grief at your Proceedings, be-'ing moſt deſirous (as I have bin formerly) to have all theſe Occa-'ſions removed, that may divert me from being ſtill,

Your Grace's humble Servant,

ROTHES.

On the 17*th* of *May*, the Marqueſs returned the following Anſwer to the former Letter from the Lord *Rothes*.

My Lord,

The *Marqueſs* his Anſwer, *May* 17.

I Have received your Lordſhip's Letter, ſigned by you, but I cannot conceive it of your Lordſhip's indicting; for I believe you would not have ſent ſuch an one to me, if you had not had ſome Malignant Spirits buſied in the framing of it: for you cannot but remember, that my words were never other, than that I would die at my Maſter's Feet; and that I would prove an Enemy, to the uttermoſt of my power, to this Kingdom, if my Country-men continue in their Obſtinacy: And here I ſet it under my hand, That I will (by God's Grace) make it good. It is true, knowing my own inability, I neither deſired, nor indeed willingly did accept the Conduct of an Army againſt this Nation; but my backwardneſs proceeded not out of a deſire not to be imployed againſt ſuch in this Country as were diſobedient, but that his Majeſty might have found many more able to have ſerved him; but ſince he hath bin pleaſed to truſt me, I will not deceive him.

You paſs by many Particulars in your Anſwer to my Letter untouched, ſaying, You cannot ſtand here to anſwer them. It is moſt true, they are not to be anſwered, and ſo I take it.

As for your own Juſtification, it is the ſame which you have ever uſed, and ſo continue; but the beſt is, none that were ever truly informed

formed of your Proceedings, doth or can give any approbation of them. 15 Caroli.

You ſay, If I go any further in a violent Courſe, it will be paſt all hope of Remedy. If I do, none can blame my Maſter: for that can never be called Violence, which is only to ſuppreſs Rebellion: and if I proceed to execute his Commands therein, you are the Cauſers of it. As Mr. Borthwick *told me, I expected to have heard further from you before now; but nothing coming, I would forbear no longer to give you this Anſwer under my hand, that both you and all the World may take notice what my Inclinations are: Which notwithſtanding I do infinitely deſire they may be ſtopt, by your ſpeedy and real ſubmiſſion to his Majeſty's juſt Commands. And this is the Prayer of him, that wiſheth it may be ſtill lawful for him to call himſelf*

From on board the *Rainbow*, May 17. 1639.

Your Lordſhip's humble Servant,

HAMILTON.

A little after the Lord *Lindſey*, Brother-in-Law to the Marqueſs, came a-board the Marqueſs, who told him, They would ſooner lay down their Lives, than depart from what they had done; and that their Army conſiſted of 25000 Men. After ſome Diſcourſe, *Devic* and ſeveral Perſons of Quality being preſent all the while, the Marqueſs diſmiſſed him. The Lord *Lindſey* comes on board to the *Marqueſs*.

And hereupon the Marqueſs informed the King, That beſide 25000 Men which were marching upon the Borders, there were 20000 Men on both ſides of the *Frith* to give ſtop to his landing; and withal adviſed the King, That the three Regiments which he had, conſiſting of 5000 Men, were not ſufficient to ſecure his landing, and to march into the Country; and ſo prayed to have ſome Regiments ſent him from the Army.

Having given a brief account of the Forces at Sea, we return again to the Army at Land, and the Proceedings at the Camp.

On *Sunday*, *June* 2. there was great reſort to Court at the King's Pavilian in the Camp, of the Nobility, Gentry, and Commanders of the Army; a Council of War was then called, to whom information was given, That the Scots were in their Quarters at *Kelſey*, being about 1500 Men, and about ſix miles diſtance.

The Debate produced a Reſolution of *Action*; and the next day, being *Monday*, *June* 3. the Earl of *Holland*, with 2000 Horſe and 2000 Foot, marched again into *Scotland* over the River *Tweed* near *Twiſle*, (a Town belonging to Sir *William Selby*) to fall upon the *Scots* who were at *Kelſey*. That day proved ſultrey hot, the like not known in the memory of Man, the Foot (though ſomewhat refreſhed by wading through the River *Tweed*) were not able to reach the Horſe, already advanced within ſight of the Enemy, being in the Rear two or three miles. The *Scots* ſent a Trumpeter to know who they were that came in that War-like poſture into their Nation; and a Body of Horſe came forward at a diſtance after the Trumpeter; their Foot alſo, who had bin covered by Hedges, and ſome little Hills, The Earl of *Holland* with 2000 Horſe again enters *Scotland*.

An. 1639. appeared unexpectedly on both ſides of the *Engliſh* Horſe, being about 4000, who came the night before into *Kelſey*. Whereupon the General of the Horſe conſulting with Sir *Jacob Aſhley*, Lord *Goring*, *&c.* and divers other of his Officers, adviſed him to Retreat, holding it not wiſdom to engage with Horſe alone, againſt Horſe and Foot, in a place of ſo much diſadvantage to the *Engliſh* Horſe; and ſo the General of the Horſe returned to the Camp. But theſe unſucceſsful Attempts at *Dunce* and *Kelſey*, gave great diſcouragement to the King's Army; and the voice of the private Souldiers was, Now let us all march and be in Action, rather than to lie in the Fields, want Proviſions, and contract Diſeaſes.

Now for a more particular Account of this Buſineſs at *Kelſey*, caſt your Eye on this following Letter, written at that time by Sir *Henry Vane* to Marqueſs *Hamilton*, dated the 4*th* of *June*.

My Lord,

Sir *Hen. Vanes* Letter to *Marqueſs Hamilton* concerning the march to *Kelſey*.

BY *the Diſpatch Sir* James Hamilton *brought your Lordſhip from his Majeſty's Sacred Pen, you were left at your liberty to commit any Act of Hoſtility upon the Rebels, when your Lordſhip ſhould find it moſt opportune. Since which my Lord* Holland *with* 1000 *Horſe and* 3000 *Foot marched towards* Kelſey, *himſelf advanced towards them with the Horſe (leaving the Foot three miles behind) to a place called* Maxwellheugh, *a height above* Kelſey; *which when the Rebels diſcovered, they inſtantly marched out with* 150 *Horſe, and (as my Lord* Holland *ſays) eight or ten thouſand Foot; five or ſix thouſand there might have bin. He thereupon ſent a Trumpet, commanding them to Retreat, according to what they had promiſed by the Proclamation. They asked whoſe Trumpet he was? He ſaid, My Lord* Holland's. *Their Anſwer was, He were beſt to be gone. And ſo my Lord* Holland *made his Retreat, and waited on his Majeſty this night to give him this Account.*

This morning Advertiſement is brought his Majeſty, That Leſley *with* 12000 *Men is at* Corkburn-ſpath, *that* 5000 *Men will be this night or to morrow at* Dunce, 6000 *at* Kelſey; *ſo his Majeſty's Opinion is, with many of his Council, to keep himſelf upon a Defenſive, and make himſelf here as faſt as he can; for his Majeſty doth now clearly ſee, and is fully ſatisfied in his own Judgment, that what paſſed in the* * *Gallery, betwixt his Majeſty, your Lordſhip, and my Self, hath bin but too much verified on this occaſion. And therefore his Majeſty would not have you to begin with them, but to ſettle things with you in a ſafe and good poſture, and your ſelf to come hither in Perſon, to conſult what Counſels are fit to be taken, as the Affairs now hold. And ſo wiſhing your Lordſhip a ſpeedy Paſſage, I Reſt,*

* That the Nobility & Gentry of *England* would never incline to invade *Scotland*, and thereby begin an Offenſive War.

From the Camp at *Huntley-field*, this 4*th* of *Jun.* 1639.

Your Lordſhip's

moſt humble Servant,

and faithful Friend,

H. VANE.

To

15 *Caroli.*

To which his Majeſty added this following *Poſtſcript* with his own Hand.

Having no time to write my Self ſo much, I was forced to uſe his Pen; therefore I ſhall only ſay, That which is here written, I have directed, ſeen, and approved.

C. R.

It is to be obſerved, That before the Lord General of the Horſe marched to *Dunce* in *Scotland*, the Scots had engaged themſelves unto the King, that they would not march with their Army within ten miles of the Borders of *England*, they ſuppoſing that his Majeſty did not intend to enter into *Scotland* with his Army; but upon the ſaid march of the Earl of *Holland* to *Dunce*, General *Leſley* thought himſelf obliged to march nearer the Borders of *England*, and thereupon advanced with five or ſix thouſand Men to *Kelſey*, which the General of the Horſe found there, when he entred the ſecond time into *Scotland*.

The King takes a view of the Muſter of his own Guards.

Wedneſday, *June* 4. The King commanded all the Nobles, Gentry, and Retinue of his own Perſon, to appear in Arms, who were countenanced with his Majeſty's Preſence; this was a gallant ſhow. They were no ſooner diſmounted, and had ſent their Horſes to their ſeveral Quarters, but the Camp received an Allarm, that the Enemy was upon them; which Allarm cauſed a confuſed riding and hurrying up and down the Camp, and ſeemed to ſtrike an Amazement into thoſe Spirits, otherwiſe undaunted at other times, it coming ſo ſudden and unexpected. The Party that brought the Alarm was Sir *John Biron*, who went immediately into the Pavilion, ſhewed his Majeſty the Enemy marching, and the Colours flying as he apprehended; but the King came out of his Pavilion, and took his Proſpective Glaſs, and went near the River ſide, and diſcerned the whole Body of the Scots Army on this ſide *Dunce-hill*; many of the Nobility and Gentry being about the King, ſaid, They could diſcern the Colours to advance; to which the King replied, (with a Court Oath) They were miſtaken, for they had already pitched their Tents, and their Colours were all fixed upon the Ground, and that the Army ſeemed to be encamped. Have not I (ſaid the King) good Intelligence, that the Rebels can march with their Army, and encamp within ſight of mine, and I not have a word of it till the Body of their Army give the Alarm? Preſently hereupon the Lord General the Earl of *Arundel*, was ſent for to the King; The Scout-Maſter was much exclaimed againſt, and he complained as much of the Souldiers who were ſent out as Scouts, and gave him no timely intelligence. But in the Opinion of the Court and Commanders, the Scout-Maſter General bore the blame; and his Crime was aggravated, becauſe he was a Papiſt.

The Scotiſh Army in ſight of the King before he had notice.

The Scout-maſter queſtioned.

The Lord General made this Reply to thoſe Nobles that accuſed the Scout-Maſter, That he made choice of him, (by Name *Roger Widdrington* Eſq;) as the fitteſt Man in *England* for the Office of Scout-Maſter, being born in that County of *Northumberland*, and one beſt acquainted with all the *Highland*-men upon the Borders of *Scotland*, and

An. 1639. and who was beſt able, of any Man he knew in *England*, to gain Intelligence from thence; and that it was notoriouſly known, he was a Gentleman that ever bore a perfect hatred to the *Scots*, and was a ſtout active Man upon Border-Service in the time of Queen *Elizabeth*; that he was a Perſon of Quality, and he doubted not of his Integrity, and that he would juſtify himſelf.

In concluſion, this Buſineſs was huſht up, but great was the murmuring of the Private Souldiers in the Camp; and now the Army that was ſo forward to engage before, ſeemed more indifferent, complaining of ill-Proviſions, that the Biſket was mouldy, that they could get no drink to the Camp; only Sir *William Savil* had carefully provided for his Regiment more than the whole Camp beſides; no ſupply was there to be got out of *Scotland*, but a few Lambs were brought and ſold in the Army, and *Northumberland* was not able to victual the tenth part of the Army; and the Gariſon of *Barwick* was ſo numerous, that they could not Bake and Brew to ſupply themſelves alone.

While the Army was in this Conſternation of Mind, on *Thurſday*, *June* the *6th*, there was again great reſort to the Court at the King's Pavillion, to underſtand what the Council of War, then met, would reſolve upon; and while they were in debate what Reſolutions to take, in came a Trumpeter with the Earl of *Dunfermling*, who brought a Petition to the King's Majeſty in theſe words;

To the King's moſt Excellent Majeſty,

The humble Petition of his Majeſty's Subjects of Scotland.

Humbly ſheweth,

'THat whereas the former means uſed by us have not yet bin effectual for receiving your Majeſty's Favour, and the Peace of this your Native Kingdom, We fall down again at your Majeſty's Feet, moſt humbly ſupplicating, That your Majeſty would be graciouſly pleaſed to appoint ſome few of the many worthy Men of your Majeſty's Kingdom of *England*, who are well-affected to the True Religion, and our Common Peace, to hear, by ſome of us, of the ſame Affection, our humble Deſires, and to make known unto us your Majeſty's gracious Pleaſure; That as by the Providence of God we are here joined in one Iſland, under one King; ſo by your Majeſty's great Wiſdom and tender Care, all Miſtakings may be ſpeedily removed, and the two Kingdoms may be kept in Peace and happineſs under your Majeſty's long and proſperous Reign. For the which we ſhall never ceaſe to pray, as becometh your Majeſty's moſt Faithful Subjects.

Unto which Petition, his Majeſty commanded Mr. Secretary *Cook* to ſubſcribe the Anſwer following.

The

THe King's Majeſty having read and conſidered the humble Supplication preſented unto him by the Earl of Dunfermling, commanded Sir Edmond Verney, Knight-Marſhal, to return with the Meſſenger this Anſwer.

That whereas his Majeſty hath publiſhed a Gracious Proclamation to all his Subjects of Scotland, whereby he hath given them full aſſurance of the free enjoying both of the Religion and Laws of that Kingdom; as likewiſe a free Pardon, upon their humble and dutiful Obedience. Which Proclamation hath bin hitherto hindred to be publiſhed to moſt of his Majeſty's Subjects; therefore his Majeſty requireth, for the full information and ſatisfaction of them, that the ſaid Proclamation be publickly read. That being done, his Majeſty will be graciouſly pleaſed to hear any humble Supplication of his Subjects.

Signed, John Cooke.

According to which Anſwer, Sir *Edmond Verney*, Knight-Marſhal, was ſent with the foreſaid Earl to the Scotiſh Camp, there to ſee his Majeſty's ſaid Proclamation proclaimed.

June the 7*th*, being *Friday*, the Earl of *Dunfermling*, with the Knight-Marſhal, returned to his Majeſty, being then in his Camp at the *Birks*, with notice, That the foreſaid Proclamation had bin proclaimed in the Scotiſh Army; and brought with him a Petition of the ſame Tenour with the former, humbly beſeeching his Majeſty to vouchſafe them a Gracious Anſwer.

June the 8*th*, being *Saturday*, his Majeſty cauſed Mr. Secretary *Cooke* to anſwer the Petition in manner following, *viz.*

HIs Majeſty having underſtood of the Obedience of the Petitioners in reading his Proclamation, as was commanded them, is graciouſly pleaſed ſo far to condeſcend unto their Petition, as to admit ſome of them to repair to his Majeſty's Camp upon Monday next, at eight of the Clock in the Morning, at the Lord-General's Tent; where they ſhall find ſix Perſons of Honour and Truſt appointed by his Majeſty to hear their humble Deſires.

The ſix perſons deſigned to meet with the ſaid Scotiſh Deputies, were, The Lord General, the Earl of *Eſſex* Lieutenant-General, the Earl of *Holland* General of the Horſe, the Earls of *Salisbury* and *Berkſhire*, and Mr. Secretary *Cooke*.

June the 9*th*, being *Sunday*, the foreſaid Earl of *Dunfermling* returned to his Majeſty from the Lords Covenanters, humbly intreating, in their Names, That his Majeſty would be pleaſed to ſign the Anſwer to their Petition with his own Hand; for that although themſelves did not miſtruſt his Majeſty's Word ſignified by the Secretary, yet the People and Army would not ſuffer their Deputies to come without his Majeſty's own Hand and Warrant: whereupon his Majeſty ſigned the like Anſwer himſelf, adding a ſeventh Perſon to the ſix formerly

An. 1639. formerly named, which was Sir *Henry Vane*, Treaſurer of the Houſhold. With which Anſwer the ſaid Earl of *Dunfermling* returned to the Scotiſh Camp.

June the 10*th*, being *Monday*, the Scotiſh Deputies ſent unto his Majeſty, humbly praying that their Attendance might be reſpited until the next day.

June 11. *Tueſday*, About ten of the Clock the Earl of *Rothes*, the Earl of *Dunfermling*, the Lord *Lowdon*, and Sir *William Douglaſs* Sheriff of *Tividale*, Deputies for the Scotiſh Covenanters, came from their Camp near *Dunce*, to the Lord General's Tent; where the ſaid Lord General, the Earls of *Eſſex*, *Salisbury*, *Holland*, and *Berkſhire*, Mr. Treaſurer *Vane*, and Mr. Secretary *Cooke*, received them. And being ready to begin their Conference, his Majeſty came unexpectedly in among them; and having taken his Seat, told the Scotiſh Deputies, **That he was informed that they complained they could not be heard; and therefore he was now come himſelf to hear what they would ſay.** Whereunto the Earl of *Rothes* made anſwer, The tenour whereof was, A profeſſion of all Loyalty to his Majeſty, and an humble deſire that they might be ſecured in their Religion and Liberties. And after him the Lord *Lowdon* began to make an Apology in excuſe of their former Actions, and manner of Proceedings. But his Majeſty took him ſhort, and told them, **That he would not admit of any their Excuſes for what was paſt; but if they came to ſue for Grace, they ſhould ſet down their Deſires particularly in writing, and in writing they ſhould receive his Anſwer.** Whereupon (after ſome Conference among themſelves) they copied out of a Paper which they had brought with them, their Deſires, which they exhibited to his Majeſty *in hæc verba*.

The humble Deſires of his Majeſty's Subjects of Scotland.

'FIrſt, It is our humble deſire, That his Majeſty would be pleaſed 'to aſſure us, that the Acts of the late Aſſembly holden at *Glaſ-* 'gow by his Majeſty's Indiction, ſhall be ratified in the enſuing Parlia- 'ment to be holden at *Edinburgh*, *July* 23. ſince the Peace of the Kirk 'and Kingdom cannot endure further Prorogation.

'Secondly, That his Majeſty, out of his tender Care of the preſer- 'vation of our Religion and Laws, will be graciouſly pleaſed to de- 'clare, and aſſure, That it is his Royal Will, that all Matters Eccle- 'ſiaſtical be determined by the Aſſemblies of the Kirk, and Matters 'Civil by Parliament. Which for his Majeſty's Honour, and keeping 'Peace and Order amongſt his Subjects, in the time of his Majeſty's 'perſonal Abſence, would be holden at ſet times, once in two or 'three years.

'Thirdly, That a bleſſed Pacification may be ſpeedily brought 'about, and his Majeſty's Subjects may be ſecured; Our humble De- 'ſire is, That his Majeſty's Ships and Forces by Land be recalled; 'That all Perſons, Ships, and Goods Arreſted, be reſtored, and we 'made ſafe from Invaſion. And that all Excommunicate Perſons, In- 'cendiaries, and Informers againſt the Kingdom, who have out of 'malice cauſed theſe Commotions for their own private Ends, may be

'returned

'returned to ſuffer their deſerved Cenſure and Puniſhment, and ſome 'other Points, as may beſt conduce to this happy Pacification. *Caroli* 15.

'As theſe are our humble Deſires, ſo it is our Grief that his Majeſty 'ſhould have bin provoked to Wrath againſt us his moſt humble and 'loving Subjects. And it ſhall be our delight, upon his Majeſty's 'gracious aſſurance of the Preſervation of our Religion and Laws, to 'give example to others of all Civil and Temporal Obedience which 'can be required or expected of Loyal Subjects.

After the reading whereof, his Majeſty told them, That for the better clearing of Particulars, he expected from them the Grounds and Reaſons of their Deſires.

They replyed, They could not ſuddenly ſet them down, nor without the Advice of the reſt of their Fellows.

Whereunto his Majeſty made Anſwer, That he would not ſurpriſe them, and therefore gave them time until *Thurſday* next to come prepared with their Grounds in writing.

The Lord *Lowdon* ſaid, Their Deſires were only to enjoy their Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of the Kingdom; and in clearing Particulars, they would not inſiſt upon any that were not ſuch.

This his Majeſty wiſhed him to ſet down under his Hand in writing, which he did as followeth.

Memorandum, *That our Deſires are only the enjoying of our Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of his Majeſty's Kingdom.*

To clear by ſufficient Grounds that the Particulars are ſuch, we ſhall not inſiſt to crave any Point which is not ſo warranted. And we humbly offer all Civil and Temporal Obedience to your Majeſty, which can be required or expected of Loyal Subjects.

Signed, LOWDON.

After the reading of which Paper, his Majeſty roſe up and departed.

The Scotiſh Deputies, together with the Engliſh Lords, were invited by the Lord General to Dinner in his Tent; and about two of the Clock thoſe of *Scotland* departed towards their Camp.

June 13. *Thurſday*, The aforeſaid Scotiſh Deputies, bringing with them Mr. *Alexander Henderſon* Miniſter of *Edinburgh*, and Mr. *Archibald Johnſton* Regiſter of the late Aſſembly at *Glaſgow*, came to the Lord General's Tent about ten of the Clock; where they met with the aforeſaid Engliſh Commiſſioners, and preſently after his Majeſty arrived; Marqueſs *Hamilton* was likewiſe preſent, being lately come by Sea to *Berwick*, from the King's Fleet in the *Frith*.

In the firſt place his Majeſty cauſed an Anſwer to be read to the Paper which the Lord *Lowdon* had ſigned at the laſt Meeting, and to be delivered to the Scotiſh Deputies, being as followeth.

An. 1639.

That whereas his Majesty, the 11th of June, received a short Paper of the General Grounds and Limits of their humble Desires; his Majesty is graciously pleased to make this Answer.

That if their desires be only the enjoying of their Religion and Liberties, according to the Ecclesiastical and Civil Laws of his Majesty's Kingdom of Scotland, his Majesty doth not only agree to the same, but shall always protect them to the uttermost of his Power: And if they shall not insist upon any thing but that is so warranted, his Majesty will most willingly and readily condescend thereunto; so that in the mean time they pay unto him that Civil and Temporal Obedience which can be justly required and expected of Loial Subjects.

At his Majesty's Camp, the 13th of *June*, 1639.

After the receipt whereof, the said Scotish Deputies exhibited to his Majesty a Paper, containing the Reasons and Grounds of their Desires, *in hæc verba.*

Reasons and Grounds of our humble Desires, delivered the 13th *of* June.

'WE did first humbly desire a Ratification of the Acts of the late 'Assembly in the ensuing Parliament.

'First, Because the Civil Power is Keeper of both Tables; and 'where the Kirk and Kingdom are one Body, consisting of the same 'Members, there can be no firm Peace, nor stability of Order, ex- 'cept the Ministers of the Kirk in their Consultations may press the 'Obedience of the Civil Laws and Magistrate, and the Civil Power 'add their Sanction and Authority to the Constitutions of the 'Kirk.

'Secondly, Because the late General Assembly Indicted by his Ma- 'jesty, was lawfully constituted in all the Members, according to the 'Institution and Order prescribed by Acts of former Assemblies.

'Thirdly, Because no Particular is enacted in the late Assembly, 'which is not grounded upon the Acts of preceding Assemblies; and 'is either expresly contained in them, or by necessary Consequence 'may be deducted from them.

'That the Parliament be kept without Prorogation, his Majesty 'knows how necessary it is, since the Peace of the Kirk and Kingdom 'calls for it without further delay.

'We did secondly desire, That his Majesty would be pleased to de- 'clare and assure, That it is his Royal Will that all Matters Eccleasia- 'stical be determined by the Assemblies of the Kirk, and Matters Ci- 'vil by the Parliament, and other Inferior Judicatories established by 'Laws because we know no other way of the preservation of our 'Religion and Laws.

'And because Matters so different in their Nature, ought to be 'treated respectively in their own proper Judicatories, it was also de- 'sired, That Parliaments might be holden at set Times, as once in 'two or three Years, by reason of his Majesty's personal Absence,

'which

15 *Caroli.*

'which hindereth his Subjects in their Complaints and Grievances, to 'have immediate acceſs unto his Majeſty's Preſence.

'And whereas his Majeſty requires us to limit our Deſires, to the 'enjoying of our Religion and Liberties, according to the Eccleſia- 'ſtical and Civil Laws reſpective, We are heartily content to have the 'occaſion to declare, That We never intended it farther than the en- 'joying of our Religion and Liberties.

'And that all this time paſt, it was far from our Thoughts to deſire 'to diminiſh the Royal Authority of our Native King, and Dread 'Soveraign,' or to make an Invaſion upon the Kingdom of *England*, 'which are the Calumnies forged and ſpread againſt us by the Malice 'of our Adverſaries; and for which we humbly deſire, That in his 'Majeſty's Juſtice they may have their own Cenſure and Puniſh- 'ment.

'Thirdly, We deſire a bleſſed Pacification, and did expreſs the 'moſt ready and powerful Means which we could conceive for bring- 'ing the ſame ſpeedily to paſs, leaving other Means ſerving for that 'End, to his Majeſty's Royal Conſideration, and great Wiſdom.

Unto which Paper, after it had bin read, his Majeſty told them, They ſhould receive an Anſwer on *Saturday* next; and afterward departed to his Pavillion. The ſaid Scotiſh Deputies dined with the Lord General and Engliſh Lords, and about two of the Clock returned to their Camp.

June 15. *Saturday*, The foreſaid Scotiſh Deputies came to the Lord General's Tent, about ten of the Clock, where they found the Engliſh Lords before-mentioned, the Lord Chamberlain being likewiſe preſent, who before was abſent by reaſon of ſickneſs. After a while his Majeſty arrived, and commanded a Declaration to be read, which he had cauſed to be framed, in anſwer to the Covenanters Deſires: Which was delivered to their Deputies, and by them conſidered of in a Room a-part among themſelves. Who after ſome time returned, and making Exceptions to certain Clauſes therein contained, the ſaid Declaration was at laſt, with ſome Alterations, agreed upon, and accepted by the ſame Deputies; only they beſought his Majeſty that they might ſhew the ſame to their Fellows, and on *Monday* next they would return with their Anſwer; unto which his Majeſty aſſented, and departed. The Deputies as before, dined with the Lord General, and after Dinner went back to their Camp.

June 17. *Monday*, The ſaid Deputies returned, and in the Name of all thoſe of the Covenanters, gave his Majeſty moſt humble thanks for the Gracious Anſwer he had vouchſafed them to their Petition in the ſaid Declaration: Which after ſome few words altered, was fully agreed upon by all Parties, together with certain Articles. The tenor of both which Declaration and Articles hereafter follow.

An. 1639.

His Majesty's Declaration.

WE having considered the Papers, and humble Petitions presented unto Us by those of Our Subjects of Scotland, who were admitted to attend our Pleasure in the Camp; And after a full hearing by our Self of all that they could say or alleage thereupon, having communicated the same to our Council of both Kingdoms, upon mature deliberation, with their unanimous Advice, We have thought fit to give this just and gracious Answer.

THat though We cannot condescend to ratify and approve the Acts of the pretended General Assembly at Glasgow, for many grave and weighty Considerations which have happened before and since, much importing the Honour and Security of that true Monarchical Government lineally descended upon Us from so many of our Ancestors: Yet such is Our gracious Pleasure, That notwithstanding the many Disorders committed of late, We are pleased not only to confirm and make good whatsoever our Commissioner hath granted and promised in our Name, but also We are further graciously pleased to declare and assure, that according to the Petitioners humble Desires, all Matters Ecclesiastical shall be determined by the Assembly of the Kirk, and Matters Civil by the Parliament, and other inferior Judicatories established by Law. Which Assemblies accordingly shall be kept once a Year, or as shall be agreed upon at the General Assembly.

And for setling the general Distractions of that our Ancient Kingdom, our Will and Pleasure is, That a Free General Assembly be kept at Edinburgh, the sixth day of August next ensuing, where We intend (God willing) to be personally present. And for the legal Indiction whereof, We have given Order and Command to our Council; and thereafter a Parliament to be held at Edinburgh the twentieth day of August next ensuing, for ratifying of what shall be concluded in the said Assembly, and setling such other things as may conduce to the Peace and Good of our Native Kingdom; and therein an Act of Oblivion to be passed.

And whereas We are further desired, that our Ships and Forces by Land be recalled, and all Persons, Goods, and Ships restored, and they made safe from Invasion, We are graciously pleased to declare, That upon their disarming and disbanding of their Forces, dissolving and discharging all their pretended Tables and Conventicles, and restoring unto Us all our Castles, Forts, and Ammunition of all sorts; as likewise our Royal Honours; and to every one of Our good Subjects, their Liberties, Lands, Houses, Goods, and Means whatsoever, taken and detained from them since the late pretended General Assembly, We will presently thereafter recall our Fleet, and retire our Land-Forces, and cause restitution to be made to all Persons of their Ships and Goods, detained and arrested since the aforesaid time. Whereby it may appear, that our intention of taking up of Arms, was no ways for invading of our Native Kingdom, or to innovate the Religion and Laws, but meerly for the main-

maintaining and vindicating of our Royal Authority. And ſince that hereby it doth clearly appear, that We neither have nor do intend any alteration of Religion or Laws, but that both ſhall be maintained by Us in their full Integrity, We expect the performance of that humble and dutiful Obedience which becometh Loyal and Dutiful Subjects, as in their ſeveral Petitions they have often profeſſed. And as We have juſt reaſon to believe, that to Our peaceable and well-affected Subjects this will be ſatisfactory, ſo We take God and the World to Witneſs, That whatſoever Calamities ſhall enſue by our neceſsitated ſuppreſsing of the Inſolencies of ſuch as ſhall continue in their diſobedient Courſes, is not occaſioned by Us, but by their own procurement.

Articles agreed upon.

I.

THe Forces of Scotland to be Disbanded and Diſſolved within eight and forty hours after the publication of his Majeſty's Declaration, being agreed upon.

II.

His Majeſty's Caſtles, Forts, Ammunitions of all ſorts, and Royal Honours to to be delivered after the ſaid publication, ſo ſoon as his Maj.ſty can ſend to receive them.

III.

His Majeſty's Ships to depart preſently after the delivery of the Caſtles, with the firſt fair Wind, and in the mean time no interruption of Trade or Fiſhing.

IV.

His Majeſty is graciouſly pleaſed to cauſe to be reſtored, all Perſons, Goods, and Ships, detained and arreſted ſince the firſt day of November laſt paſt.

V.

There ſhall be no Meetings, Treatings, Conſultations, or Convocations of his Majeſty's Lieges, but ſuch as are warranted by Act of Parliament.

VI.

All Fortifications to deſiſt, and no further working therein, and they to be remitted to his Majeſty's Pleaſure.

VII.

To reſtore to every one of his Majeſty's good Subjects their Liberties, Lands, Houſes, Goods, and Means whatſoever, taken or detained from them by whatſoever means ſince the aforeſaid time.

June 18. *Tueſday*, The ſaid Scotiſh Deputies in the morning came to his Majeſty's Pavilion, and there his Majeſty ſigned the foreſaid Declaration; and two ſeveral Copies were made of the above-mentioned Articles, whereof one Copy was ſigned by Mr. Secretary *Cook*, the Earl of *Sterling* Secretary of *Scotland*, the Earl of *Rothes*, the Earl of *Dunfermling*, the Lord *Lowdon*, Sir *William Douglaſs*, *Alexander Henderſon*, with *Archibald Johnſton*, which Mr. Secretary *Cook* retained. The other ſigned by Mr. Secretary *Cook*, and the Earl of *Sterling*, was delivered to the Scotiſh Deputies.

And

An. 1639.

And further the ſaid Deputies ſigned another Paper of Submiſſion to his Majeſty, being as followeth.

In the Camp, the 18th of June, 1639.

'IN Obedience to his Majeſty's Royal Commands, We ſhall, upon 'Thurſday next the 20th of this *June*, diſmiſs our Forces, and im-'mediately thereafter deliver his Majeſty's Caſtles, &c. And ſhall 'ever in all things carry our ſelves like Humble, Loyal, and Obe-'dient Subjects.

Subſcribed,

Rothes.	*Lowdon.*
Dunfermling.	*Douglas.*
Alex. Henderſon.	*A. Johnſton.*

The ſaid Deputies did further promiſe and undertake, That his Majeſty's foreſaid Declaration ſhould be read and publiſhed in their Army; which was accordingly done by *Lyon* King of Arms of *Scotland*, on *Thurſday* the 20th, in the preſence of the Earl of *Morton*, Sir *Edmond Verney*, Sir *John Burroughs*, (his Majeſty's Commiſſioners, ſent thither to ſee the ſame performed) and that day the Scotiſh Army diſbanded.

June 22. *Saturday*, His *Majeſty* came from his Camp at the *Birks* to *Berwick*.

June 24. *Monday*, His Majeſty's Army was diſmiſſed and diſſolved.

The Earl of *Holland*, General of the Horſe, after he returned from his firſt Expedition into *Scotland*, complained to his Majeſty of the Earl of *Newcaſtle*'s taking off his Colours from his Staff in that March; the King being alſo by another Noble Perſon made acquainted with the reaſon of his ſo doing, becauſe the Prince his Colours were put in the Rear: The King commended the Earl of *Newcaſtle*'s prudence in ſo doing, and did not attribute it to any unwillingneſs or neglect in that Earl of his Majeſty's Service upon that Occaſion: And his Majeſty commanded, That for time to come, that Troop of the Earl of *Newcaſtle*'s ſhould be commanded by none but himſelf whilſt they remained upon Duty.

Afterwards, when a Peace was concluded, and the Army diſbanded, the Earl of *Newcaſtle* thought fit to require an Account of the Earl of *Holland* for the ſaid Affront which he had put upon him; and ſent a Challenge to him, and Time and Place where to meet was appointed: The Earl of *Newcaſtle* made choice of *Francis Palmes* for his Second, a Man of known Courage and Mettle. The Earl of *Newcaſtle* appeared at the Time and Place, with his Second; but the General of the Horſe his Second came all alone: by which the Earl of *Newcaſtle* preſently concluded, that the Deſign had bin diſcovered to the King; who commanded them both to be confined, and afterwards made a Peace between them.

The

15 *Caroli.*

The Lord Deputy hearing a Peace was concluded at the Camp at *Berwick*, propoſed ſeveral Things to his Majeſty's Conſideration in this following Letter.

May it pleaſe your Sacred Majeſty,

July 3. The Lord Deputy writes to the King at the Camp at *Berwick.*

Upon the return of Sir Henry Bruce *from the Earl of* Antrim, *we found the Judgment he gave of that Action, no way differing, indeed totally confirming our Opinion therein; yet we held it fit to ſtay him here, expecting the return of my Servant, and what your Majeſty might be pleaſed thereby to direct in that Particular: But ſo long had croſs Winds detained that Meſſenger at* White-haven, *as with him alſo came a later Diſpatch, wherein were the News of the Accommodation with thoſe of the* Covenant; *which at preſent ſets a Period both to the Deſigns of that Lord, and all others of that kind.*

And conſidering Sir Henry *will be pleaſed to deliver this Letter, my Diſcourſe needs to be the leſs, being a Gentleman able to repreſent unto your Majeſty the outward ſtate of theſe Affairs, which, God be praiſed, move ſtill upon the Grounds of Quietneſs towards the Publick, of perfect Obedience toward your Majeſty, and certainly ſo would have continued, amidſt thoſe late threatned Troubles and Diſtractions of your other two Kingdoms.*

If your Majeſty vouchſafe to ſpeak with Sir Henry Bruce, *you may be fully ſatisfied in all Particulars, and in my poor Belief, it may be of uſe to your Service to hear him, being of right good Affection to your Perſon, and one whoſe Truth and Underſtanding in his own Profeſſion, are of much clearneſs and conſideration.*

This Teſtimony I muſt alſo give, as well of Captain Read *as of himſelf, That I found them exceeding forward to ſerve the Crown; and, in truth, I deem both of them Gentlemen worthy your Majeſty's gracious Eſteem, Imploiment, and Truſt.*

Notwithſtanding this ſuddain turn, we reſolve to uſe all diligence in taking the Oath of the Scots, in ſuch ſort as was formerly preſcribed, as holding it ſtill to be of very great uſe and advantage, a little to allay, and render leſs poſitive thoſe Demands your Majeſty perchance may meet with in the next Aſſembly of the Covenanters, when they find that all are not minded as themſelves, nor dancing after their Pipe.

Likewiſe we ſhall, if not otherwiſe directed, go on to provide (againſt all Events) your Magazines here, of ten thouſand Foot, and one thouſand Horſe Arms, with all other Ammunitions proportionable thereunto.

All your gracious Directions, tending to an univerſal and laſting Peace, ſhall be on this ſide punctually purſued and fulfilled; may all Affections be rightly ſet and inclined for the accompliſhment of ſo bleſſed a Work.

Yet admit my attention to your Sacred Perſon, and proſperity of your Affairs, moſt humbly to beſeech your Majeſty, not only to keep your Garriſons of Berwick *and* Carliſle *ſtrong, and well provided of all kind of Stores, but to perfect the Fortifications at* Leith; *and if poſſible, to put in a good Power there alſo, of Men approved for their Faith and Zeal to the Service of your Crown; for ſo total a defection as hath appeared in that People, is not to be truſted with your Sacred Perſon over-early, if at all; and this the rather, for that I conceive your Deſigns, and Royal Purpoſes*

An. 1639. *Purpoſes thus ſuſtained, will have alſo an excellent furtherance and operation amongſt the Subjects in* England.

I ſhould not write thus much, but that I full well know the Goodneſs, Wiſdom, and Secreſy of my Maſter, having otherways ſufficiently contracted already the ill-will of many of the Scotiſh Nation: Howbeit for which Tranſgreſſions, in good Faith I know not, the beſt is I apprehend not much, being already ſeated ſo low, as I have not far to fall. God long preſerve your Majeſty.

Your Majeſty's

moſt faithful, and moſt humble

Subject and Servant,

WENTWORTH.

His Majeſty whilſt he reſided at *Berwick*, took into his ſerious conſideration, the ſending of a High Commiſſioner into *Scotland*, both to the Aſſembly and Parliament, which were to meet, according to the Articles of Pacification, in *Auguſt* next. His Majeſty did much preſs Marqueſs *Hamilton* to go upon that Emploiment; but he did earneſtly excuſe himſelf, and begged of his Majeſty not to think further of it. Which Excuſe prevailed with the King, and thereupon his Majeſty ſent into *Scotland* for *Traquair* to come to the Court at *Berwick*; and about the middle of *July* he came accordingly; and between his Majeſty and him there were many Conſultations about his Inſtructions.

Now whilſt the King remained at *Berwick*, he ſent for fourteen of the principal *Covenanters* to come to the Court and wait upon him: And whilſt the King expected their coming, he gave Inſtructions to Marqueſs *Hamilton* to try what he could do to gain upon thoſe Lords when they came to the Court, and to diſcover from them the bottom of their Intentions, when the Aſſembly and Parliament did meet, eſpecially as to Biſhops, *&c.*

The Scots begun to be jealous that theſe fourteen Lords thus ſent for to wait upon the King (being the Principal Men of that Kingdom, engaged in Zeal for the Covenant) and of great Intereſt in their Army; that if by the Scots Enemies at Court the King ſhould be prevailed with to ſend them Priſoners to *London*, it might diſcompoſe all their Affairs both in the Army and Kingdom, not knowing what Incendiaries about the Court might further prevail againſt thoſe Lords; ſo the Scots only ſent three of the number whom his Majeſty deſired, *viz. Montroſe*, *Lowdon*, and *Lowthian*, which the King took in great indignation; that when he had declared himſelf in his Treaty at the Camp to adventure his Perſon with them at the Aſſembly appointed to meet at *Edinburgh* in *Auguſt* following; and that they the Scots ſhould not adventure thoſe Lords to come to him whom he had ſent for, put the King upon a Reſolution not to go to their Aſſembly.

The

15 *Caroli.*

The three Lords before-mentioned, after they came to Court, and after Diſcourſe with them by Marqueſs *Hamilton*, were much molified, but *Montroſe* was only perfectly gained to the King.

The Draught of *Traquair*'s Inſtructions were finiſhed on the 27*th* of *July* at *Berwick*, and ſigned by the King, in order to paſs the great Seal; but he did not receive the ſame under Seal till afterwards. For on the 28*th* of *July* the King took Poſt at *Berwick*, and having (rid 260 miles in four days) arrived at *Theobalds* and *London* on the firſt of *Auguſt*.

Traquair's Inſtructions paſſed the Seal on the 6*th* of *Auguſt*, and he was immediately diſpatched Poſt into *Scotland*, to be at the Meeting of the Aſſembly at *Edinburgh*. The Inſtructions were to the effect following.

Inſtructions for the Earl of *Traquair*, Lord High-Commiſſioner for *Scotland*.

C. R.

AT the firſt meeting of the Aſſembly, before it be brought in diſpute who ſhall preſide, you ſhall appoint him who was Moderator in the laſt Aſſembly, to preſide in this till a new Moderator be choſen.

We allow that Lay-Elders ſhall be admitted Members of this Aſſembly; but in caſe of the Election of Commiſsioners for Preſbyteries, the Lay-Elders have had Voice, you ſhall declare againſt the inſolemnity thereof; as alſo againſt Lay-Elders having Voice in Fundamental Points of Religion.

At the firſt opening of the Aſſembly, you ſhall ſtrive to make the Aſſembly ſenſible of our Goodneſs, that notwithſtanding all that is paſt, whereby We might have bin juſtly moved not to hearken to their Petitions, yet We have bin graciouſly pleaſed to grant a free General Aſſembly; and for great and weighty Conſiderations, have commanded the Arch-Biſhops and Biſhops not to appear at this Aſſembly.

You ſhall not make uſe of the Aſſeſſors in publick, except you find you ſhall be able to carry their having Voice in the Aſſembly.

You ſhall labour to your utmoſt, that there be no Queſtion made about the laſt Aſſembly; and in caſe it come to the worſt, whatever ſhall be done in Ratification, or with relation to the former Aſſembly, Our Will is that you declare the ſame to be done as an Act of this Aſſembly, and that you conſent thereto only upon theſe terms, and no ways as having any relation to the former Aſſembly.

You ſhall by all means ſhun the Diſpute about Our Power in Aſſemblies; and if it ſhall be urged, or offered to be diſputed, whether We have the Negative Voice, or the ſole Power of Indicting, and conſequently of Diſſolving, except you ſee clearly that you can carry the ſame in Our Favour, ſtop the Diſpute; and rather than it be decided againſt Us, ſtop the courſe of the Aſſembly until We be advertiſed.

For the better facilitating of Our other Services, and the more

An. 1639. peaceable and plauſible Progreſs in all Buſineſſes recommended to you, We allow you at any time you ſhall find moſt convenient, after the opening of the Aſſembly, to declare, That notwithſtanding Our own Inclination, or any other Conſiderations, We are contented, for Our Peoples full ſatisfaction, to remit Epiſcopacy, and the Eſtate of Biſhops to the freedom of the Aſſembly; but ſo, as no reſpect be had to the determination of the Point in the laſt Aſſembly.

But in giving way to the aboliſhing of Epiſcopacy, be careful that it be done without the appearing of any Warrant from the Biſhops; and if any offer to appear for them, you are to enquire for their Warrant, and carry the Diſpute ſo, as the concluſion ſeem not to be made in prejudice of Epiſcopacy as unlawful, but only in ſatisfaction to the People for ſetling the preſent Diſorders, and ſuch other Reaſons of State: But herein you muſt be careful that Our Intentions appear not to any.

You ſhall labour, that Miniſters depoſed by the laſt Aſſembly, or Commiſſions flowing from them, for no other cauſe but the ſubſcribing the Petition or Declinator againſt the laſt Aſſembly, be upon their ſubmiſſion to the determination of this Aſſembly, reponed in their own Places; and ſuch other Miniſters as are depoſed for no other Faults, that they be tried of new; and if that cannot be, ſtrive that Commiſſions may be directed from this Aſſembly for trying and cenſuring them, according to the nature of their Proceſs.

That immediately upon the concluſion of this Aſſembly, you Indict another at ſome convenient time, as near the expiring of the Year as you can; and if you find that Aberdeen be not a Place agreeable, let Glaſgow be the Place; and if that cannot give content, let it be elſewhere.

The General Aſſembly is not to meddle with any thing that is Civil, or which formerly hath been eſtabliſhed by Act of Parliament, but upon his Majeſty's ſpecial Command or Warrant.

We will not allow of any Commiſſioner from the Aſſembly, nor no ſuch Act as may give ground for the continuing of the Tables, or Conventicles.

In caſe Epiſcopacy be aboliſhed at this Aſſembly, you are to labour that We may have the Power of chuſing of ſo many Miniſters as may repreſent the fourteen Biſhops in Parliament; or if that cannot be, that fourteen others whom We ſhall preſent be agreed to, with a power to chuſe the Lords of the Articles for the Nobility for this time, until the Buſineſs be further conſidered upon.

We allow that Epiſcopacy be aboliſhed, for the Reaſons contained in the Articles, and the Covenant 1580, for ſatisfaction of our People be ſubſcribed, provided it be ſo conceived, that thereby Our Subjects be not forced to abjure Epiſcopacy as a Point of Popery, or contrary to God's Law, or the Proteſtant Religion; but if they require it to be abjured, as contrary to the Conſtitution of the Church of Scotland, you are to give way to it rather than to make a breach.

After all Aſſembly-Buſineſs is ended, and immediately before Prayers, you ſhall, in the faireſt way that you can, proteſt, That in reſpect of his Majeſty's Reſolution of not coming in Perſon, and that his Inſtructions to you were upon ſhort advertiſement, whereupon

upon many things may have occurred, wherein you have not had his Majesty's Pleasure; and for such other Reasons as occasion may furnish, you are to protest, That in case any thing hath escaped you, or hath bin condescended upon in this present Assembly prejudicial to his Majesty's Service, that his Majesty may be heard for redress thereof in his own Time and Place.

At *Berwick* the 27th of *July*, 1639.

At this time the King writ this following Letter to the Arch-Bishop of St. *Andrews*.

Right trusty and well-beloved Counsellor, and Reverend Father in God, We greet you well.

The King writes to the Arch-Bishop of St. *Andrews*.

YOur Letter, and the rest of the Bishops (sent by the Elect of Cathness) to my Lord of Canterbury, hath bin by him communicated to Us: And after serious consideration of the Contents thereof, We have thought fit our Self to return this Answer to you for Direction, according to Our Promise, which you are to communicate to the rest of your Brethren.

We do in part approve of what you have advised, concerning the prorogating of the Assembly and Parliament, and must acknowledg it to be grounded upon Reason enough, were Reason only to be thought on in this Business: but considering the present state of Our Affairs, and what We have promised in the Articles of Pacification, We may not (as We conceive) whithout great prejudice to Our Self and Service condescend thereunto; wherefore We are resolved (rather necessitated) to hold the Assembly and Parliament at the Time and Place appointed; and for that end We have nominated the Earl of Traquair Our Commissioner: to whom we have given Instructions, not only how to carry himself at the same, but a Charge also to have a special care of your Lordships, and those of the Inferior Clergy, who have suffered for their Duty to God, and Obedience to Our Commands. And We do hereby assure you, That it shall be still one of Our chiefest Studies, how to Rectify and Establish the Government of that Church aright, and to repair your Losses, which We desire you to be most confident of.

As for your Meeting to treat of the Affairs of the Church, We do not see at this Time how that can be done; for within Our Kingdom of Scotland, We cannot promise you any place of Safety; and in any other of Our Dominions We cannot hold it convenient, all things considered; wherefore We conceive that the best way would be for your Lordships to give in, by way of Protestation or Remonstrance, your Exceptions against this Assembly and Parliament to Our Commissioner, which may be sent by any mean Man, so he be trusty, and deliver it at his entring into the Church; but We would not have it to be either Read or Argued in this Meeting, where nothing but partiality is to be expected, but to be represented to Us by him; which We promise to take so into Consideration, as becometh a Prince sensible of his own Interest and Honour, joined with the Equity of your Desires; and you may rest secure, that though perhaps

An. 1639. We may give way for the preſent to that which will be prejudicial both to the Church and Our own Government, yet We ſhall not leave thinking in time how to remedy both.

We muſt likewiſe intimate unto you, That We are ſo far from conceiving it expedient for you, or any of my Lords of the Clergy to be preſent at this Meeting, as We do abſolutely diſcharge your going thither; and for your abſence, this ſhall be to you, and every of you, a ſufficient Warrant: In the interim, your beſt courſe will be to remain in Our Kingdom of England, till ſuch time as you receive Our further Order, where We ſhall provide for your Subſiſtance; though not in that meaſure as We could wiſh, yet in ſuch a way as you ſhall not be in want.

Thus you have Our Pleaſure briefly ſignified unto you, which We doubt not but you will take in good part: You cannot but know, that what We do in this, We are neceſsitated to; ſo We bid you farewell.

Whitehall, *Aug.* 6. 1639. C. R.

Afterwards the Biſhop of St. *Andrews*, and other Biſhops, on the 11*th.* of *Auguſt*, finiſhed a *Declinator*, and ſigned the ſame with their own hands, and ſent it to the Earl of *Traquair*.

The Biſhops Declinator, Auguſt 10, 11.

'WHereas his Majeſty, out of his ſurpaſſing Goodneſs, was pleaſed to Indict another National Aſſembly for rectifying the preſent Diſorders in the Church, and repealing the Acts concluded in the late pretended Aſſembly at *Glaſgow* againſt all Right and Reaſon, charging and commanding Us the Arch-Biſhops and Biſhops of the Church of *Scotland*, and others that have Place therein, to meet at *Edinburgh* the 12*th* of *Auguſt* Inſtant, in hopes that by a peaceable Treaty and Conference, Matters ſhould have bin brought to a wiſhed Peace and Unity: and that now we perceive all theſe Hopes diſappointed, the Authors of the preſent Schiſm and Diviſion proceeding in their wonted Courſes of Wrong and Violence, as hath appeared in their preſumptuous Proteſtation againſt the ſaid Indiction; and in the buſineſs they have made throughout the Country, for electing Miniſters and Laicks of their Faction to make up the ſaid Aſſembly; whereby it is evident that the ſame or worſe Effects muſt needs enſue upon the preſent Meeting, than were ſeen to follow the former. We therefore the Underſcribers, for diſcharge of our Duties to God, and to the Church committed to our Government under our Soveraign Lord the King's Majeſty, Proteſt, as in our former Declinator, as well for our Selves, as in Name of the Church of *Scotland*, and ſo many as ſhall adhere to this our Proteſtation, That the preſent pretended Aſſembly be holden and reputed *null* in Law, as conſiſting and made up partly of Laical Perſons that have no Office in the Church of God, partly of Refractory, Schiſmatical, and Perjured Miniſters, that contrary to their Oaths and Subſcriptions, from which no humane Power could abſolve them, have filthily reſiled, and ſo made

15 *Caroli.*

'made themſelves to the preſent and future Ages moſt infamous, and 'that no Church-man be bound to appear before them, nor any Cita-'tion, Admonition, Certification, or Act whatſoever proceeding 'from the ſaid pretended Meeting, be prejudical to the Juriſdiction, 'Liberties, Privileges, Rents, Poſſeſſions, and Benefices belonging 'to the Church, nor to any Acts of former General Aſſemblies, Acts 'of Council or Parliament made in favour thereof; but to the contra-'ry, that all ſuch Acts and Deeds, and every one of them, are and 'ſhall be reputed Unjuſt, Partial, and Illegal, with all that may fol-'low thereupon.

'And this our Proteſtation we humbly deſire may be preſented to 'his Majeſty, whom we do humbly ſupplicate, according to the Pra-'ctice of Chriſtian Emperors in Ancient Time, to Convene the Clergy 'of his whole Dominions, for remedying of the preſent Schiſm and 'Diviſion, unto whoſe Judgment and Determination we promiſe to 'ſubmit our Selves and all our Proceedings.

Given under our Hands, at *Morpeth*, *Berwick*, and *Holy-Iſland*, the 10*th* and 11*th* of *Auguſt* 1639.

Signed,

St. Andrews.
Da. Edinburgh.
Jo. Roſſen.
Tho. Galloway.
Wal. Brechinen.
Ja. Liſmoren.
Ad. Aberdeen.

About the middle of *Auguſt* the Aſſembly meeting at *Edinburgh*, the Earl of *Traquair* came thither as Lord High-Commiſſioner, and found the Pulſe of the Aſſembly to beat againſt the *Service-Book* and Book of *Canons*, taxing them with Popery, and the *High-Commiſſion* with Tyranny, and that *Epiſcopacy* muſt be aboliſhed; of all which the Earl of *Traquair* gave the King an Account. Whereupon his Majeſty writ unto him to the effect following.

CHARLES R.

Right Truſty,

The King writes to *Traquair*, & gives him poſitive Inſtructions how further to proceed.

WE have hitherto commanded Hamilton to anſwer ſeveral of your Letters, but that of the 16th of Auguſt being of more weight than any of your former, We have thought fit to anſwer it Our Self.

And whereas you ſay, That nothing will ſatisfy them, except in terminis, the laſt Aſſembly be Named and Ratified, or that way be given to the diſcharging of Epiſcopacy as abjured in that Church, as contrary to the Confeſſion of Faith 1580, and the Conſtitutions of the ſame, you being yet in ſome hope that the word Abjured may be got changed; and that in drawing up the words of the Act, it be only condemned as contrary to the Conſtitution of the Church: We in this point leave you to your Inſtructions, they being full, if you conſider what We have ſaid concerning Epiſcopacy, and ſubſcribing the Confeſſion of Faith 1580, We thinking it fit to declare hereupon unto you, That let their madneſs be what it will, further than We have

An. 1639. have declared in Our Instructions, in these Points We will not go.

For the Service-Book, and Book of Canons, though We have bin and are content they be discharged, yet We will never give Our Voice nor assent that they be condemned, as containing divers Heads of Popery and Superstition: in like manner, though We have bin, and are content that the High-Commission be discharged, yet We will never acknowledg that it is without Law, or destructive to the Civil and Ecclesiastical Judicatories of that Our Kingdom: Nor that the Five Articles of Perth, though discharged with Our Approbation, be condemned, as contrary to the foresaid Confession. As concerning the late Assemblies, We cannot give Our Consent to have them declared Null, since they were so notoriously Our Father (of happy Memory) his Acts; it seeming strange, that We having condescended to the taking away of these things that they complained of, which were done in those Assemblies, they will not be content therewith, without laying an Aspersion on Our Father's Actions. Wherefore if the Assembly will, in dispite of your endeavour, conclude contrary to this, you are to protest against their Proceedings in these Points, and be sure not to ratify them in Parliament.

Concerning the yearly Indiction of General Assemblies, and the Confession of Faith, We commanded Hamilton, in his of the 16th, to Answer that Point to this effect, That We think it infinitely to our prejudice, that We should consent to tie Our Self for the keeping yearly of their Assemblies, not needing to repeat the Reasons, they being well enough known to you; seeing at Berwick it was conceived upon debate of that Point, That your having Power to Indict a new one within the Year, would save that Dispute, which you are by all means to eschew. But if this will not give satisfaction, you are by no means to give your Assent to any such Act, nor to ratify the same in Parliament.

The Article in your Instructions, which is only that the Covenant 1580 shall be subscribed, you must have an especial care of, and how you proceed therein; That the Bond be the same which was in Our Father's Time, mutatis mutandis; and that you give your assent no other ways to the interpretations thereof, than may stand with Our future Intentions well known to you; nor is the same otherwise to be Ratified in Parliament.

Thus you have Our Pleasure fully signified in every particular of your Letter; which you will find no ways contrary to Our Resolution taken at Berwick, and Our Instructions given to you there. But if the madness of Our Subjects be such, that they will not rest satisfied with what We have given you Power and Authority to condescend to, which notwithstanding all their Insolencies We shall allow you to make good to them, We take God to Witness, That what misery soever shall fall to the Country hereafter; it is no Fault of Ours, but their own procurement. And hereupon We do Command you, That if you cannot compose this Business according to Our Instructions, and what We have now written, that you Prorogue the Parliament till the next Spring, and that you think upon some course how you may make publickly known to all Our Subjects, what We had given you Power to condescend to. And because it is not improbable that this way may produce a present Rupture,

Rupture, you are to warn and aſsiſt Ruthwen for the Defence of the Caſtle of Edinburgh; and to take in general the like care of all Our Houſes and Forts in that Kingdom; and likewiſe to advertiſe all ſuch who are affected to Our Service, that timouſly they may ſecure themſelves; and ſo We bid you heartily farewel. 15 *Caroli.*

The greateſt Point gained in the Aſſembly, was an Explication of a Bond of Defence, which was conceived in theſe words.

WE do Swear, not only our mutual Concurrence and Aſsiſtance for the Cauſe of Religion; and to the utmoſt of our Power, with our Means and Lives, to ſtand to the Defence of our Dread Soveraign and his Authority, in the Preſervation and Defence of the ſaid True Religion, Liberties, and Laws of this Kirk and Kingdom; but alſo in every Cauſe which may concern his Majeſty's Honour, We ſhall (according to the Laws of this Kingdom, and Duty of good Subjects) concur with our Friends and Followers in quiet Manner, or in Arms, as we ſhall be required of his Majeſty's Council, or any having his Authority. The Explication of the Bond of Defence.

And as to *Epiſcopacy*, it was worded, it was *unlawful* in the Church of *Scotland*: whereupon the *Covenanters* preſented to the Commiſſioner and Council their *Covenant*, with a deſire that it might be ſigned. And it was accordingly done, but his Majeſty was no ways ſatisfied with this, as hereafter appears.

The ſaid Parliament at *Edinburgh*, the day appointed for their Meeting, conſented for that time that *Traquair* as Commiſſioner, ſhould name thoſe Lords of the Articles that were for the Nobility, who ſhould have bin named by the Biſhops, but proteſted it ſhould be no Preſident for the future; and they went on roundly to take away the Lords of the Articles totally.

But *Traquair* finding he could not keep cloſe to his Inſtructions, to the Letter of which he reſolved to adhere, did Prorogue the Parliament to the 14*th* of *November*. *October* 30. The Parliament Prorogued to *Novemb.* 14.

The *Covenanters* proteſt againſt the legality of any Prorogation without conſent of Parliament. Which Proteſtation followeth in theſe words.

The Scots Proteſtation againſt the Prorogation of the Parliament, Auguſt 1639.

'WHereas *John* Earl of *Traquair*, his Majeſty's Commiſſioner, 'having cloſed the Aſſembly, and ſitting in Parliament 'with them, did now take upon him, without their Conſent, or Of- 'fence given, to Prorogate the Parliament upon a private Warrant; 'this being a new and unuſual way, without Preſident in this King- 'dom heretofore, once being convened, have continuation by the ex- 'preſs conſent of the Eſtates. We therefore declare, That any Pro- 'rogation made by the Commiſſioner's Grace, without conſent of 'Parliament, ſhall be of no Force, and the Actors to be cenſured in 'Parliament.

An. 1639. 'Parliament. And knowing that Declarations have bin publiſhed 'againſt Us, and our Proceedings made odious to ſuch as do not con- 'ſider that we are not Private Subjects, but a Sitting Parliament: 'We therefore declare, That whatſoever we might do lawfully in 'ſitting ſtill, yet we have reſolved for the preſent to make Remon- 'ſtrance to his Majeſty, and ſome of each Eſtate to remain ſtill at 'Edinburgh to attend his Gracious Anſwer. And if it ſhall happen that 'our malicious Enemies do notwithſtanding prevail againſt us, We 'profeſs our ſelves free of the Outrages and Inſolencies that may be 'committed; in the mean time we do our beſt to prevent Confuſion 'and Miſery.

'And the Committee appointed to expect the King's Anſwer, were, 'the Earls of *Lothian* and *Dalhouſe*; the Lords, *Yeſter*, *Balmerino*, '*Cranſton*, and *Napier*; for the Barons, the Commiſſioners of the *Lo-* 'thians, *Fife*, and *Twedale*; the Burroughs named the Commiſſioners 'of *Edinburgh*, *Lithgow*, *Sterling*, *Haddington*, and *Dunbar*, to attend at 'Edinburgh the return of his Majeſty's Anſwer.

The Scots Deputies come to the King at *Whitehall*.

Their Deputies came to the King at *Whitehall*, the Earl of *Dunfermling*, and the Lord *Loudon*; but coming without Warrant from the King's Commiſſioner *Traquair*, they were in diſdain commanded home again without Audience.

The King commands *Traquair* to Prorogue the Parliament to the ſecond of *June* 1640; and commands him to come up to give to the Council an account of the moſt conſiderable Matters propoſed in that Parliament. The end of whoſe Deſign was (as the Covenanters gave out) to foment a War, and to engage the King in Perſon. But he had a cold reception, the King being highly diſpleaſed with his Subſcription of the *Covenant*. But he complained he could have no Aſſiſtance from them if he had not done it; and that it was impoſſible to prevail with thoſe People, except by Force, or a total Complyance.

And he to recover himſelf, was the more earneſt to preſs the King to a New Invaſion.

Traquair helps the King to the Letter directed to the *French* King.

He alſo furniſhed the King with a great many Grounds for juſtifying his Proceedings againſt the *Covenanters*; a chief one being a Letter he had got which the *Covenanters* had written to the French King, deſiring his Protection and Aſſiſtance; which was High Treaſon by the Law of *Scotland*, as being a Treaty with a Foreign Prince, without the King's Permiſſion. And upon theſe Grounds it was that the Earl of *Traquair* was afterwards purſued as the Grand Incendiary.

Afterwards the *Covenanters* ſent up their Petition to his Majeſty by one *Cunningham*, deſiring a permiſſion to ſend ſome of their Number for their own vindication. Which his Majeſty granting, the Earl of *Loudon* and *Dunfermling* were again ſent up.

Some

15. *Caroli.*

Some of the Principal Acts of the General Aſſembly, which ſat at Edinburgh *in the Month of* Auguſt, 1639.

Seſſ. 8. Aug. 17. 1639.

Mr. George Grahame *his Renouncing and Abjuring of Epiſcopacy.*

The which day there was given in to the Aſſembly, direct from Mr. *George Graham*, ſometimes pretended Biſhop of *Orkney*, an Abjuration of Epiſcopacy, ſubſcribed with his Hand; which was publickly read, and entred in the Aſſembly-Books, *ad perpetuam rei memoriam*, whereof the Tenour follows.

'TO all and ſundry whom it effeirs, to whoſe knowledg theſe 'Preſents ſhall come, eſpecially to the Reverend and Honourable Members of the future Aſſembly, to be holden at *Edinburgh* the '12*th* day of *Aug.* 1639. Me Mr. *George Graham*, ſome time pretended 'Biſhop of *Orkney*, being ſorry and grieved at my Heart, that I ſhould 'ever, for any worldly reſpect, have embraced the Order of Epiſcopacy, the ſame having no Warrant from the Word of God, and being ſuch an Order, as hath had ſenſibly many fearful and evil Conſequences in many parts of Chriſtendom, and particularly within the 'Kirk of *Scotland*, as by doleful and deplorable Experience this day 'is manifeſt, to have diſclaimed, like as I by the Tenour hereof do 'altogether diſclaim and abjure all Epiſcopal Power and Juriſdiction, 'with the whole Corruptions thereof, condemned by lawful Aſſemblies in the ſaid Kirk of *Scotland*; in regard the ſame is ſuch an Order as is alſo abjured within the ſaid Kirk, by virtue of that National 'Oath which was made in the Years 1580, and 1581, promiſing and 'ſwearing, by the great Name of the Lord our God, That I ſhall never whilſt I live, directly or indirectly, exerciſe any ſuch Power 'within the Kirk; neither yet ſhall I ever approve or allow the ſame, 'not ſo much as in my private or publick Diſcourſes; but on the contrary, ſhall ſtand and adhere to all the Acts and Conſtitutions of the 'late Aſſembly holden at *Glaſgow*, *Novemb.* 21, 1638, and ſhall concur 'to the uttermoſt of my power, ſincerely and faithfully, as occaſion 'ſhall offer, in executing the ſaid Acts, and in advancing the Work 'of Reformation within this Land, to the Glory of God, the Peace 'of the Country, and the Comfort and Contentment of all good 'Chriſtians, as God ſhall be my help. In teſtimony of the which Premiſes, I have ſubſcribed theſe Preſents with my Hand at *Breakneſs* in '*Stronnes*, the 11*th* day of *February*, in the Year of God 1639, before theſe Witneſſes, Mr. *Walter Stuart* Miniſter at *Southronnaldſay*; 'Mr. *James Heynd* Miniſter at *Kirkwall*, Mr. *Robert Pierſon* Miniſter 'at *Frith*, and Mr. *Patrick Graham* Miniſter at *Holm*, my Son.

An. 1639.

Sess. 8. Aug. 17. 1639.

Act containing the Causes and Remedy of the by-gone Evils of this Kirk.

'THe King's Majesty having graciously declared, That it is his Royal 'Will and Pleasure, that all Questions about Religion, and Mat-'ters Ecclesiastical, be determined by Assemblies of the Kirk; having 'also by publick Proclamation indicted this Free National Assembly, 'for setling the Distraction of this Kirk, and for establishing a perfect 'Peace, against such Divisions and Disorders as have bin sore displea-'sing to his Majesty, and grievous to all his good Subjects.

'And now his Majesty's Commissioner, *John* Earl of *Traquair*, 'in-'trusted and authorized with a full Commission, being present, and 'sitting in this Assembly, now fully Convened, and orderly Constitute 'in all the Members thereof, according to the Order of this Kirk, 'having at large declared his Majesty's Zeal to the Reformed Religion, 'and his Royal Care and Tender Affection to this Kirk, where his 'Majesty had both his Birth and Baptism, his great displeasure at the 'manifold Distractions and Divisions of this Kirk and Kingdom, and 'his desires to have all our Wounds perfectly cured, with a fair 'and fatherly Hand. And although in the way approved by this 'Kirk, trial hath bin taken in former Assembles before, from the Kirk-'Registers, to our full satisfaction; Yet the Commissioner's Grace 'making particular enquiry from the Members of the Assembly, now 'solemnly convened, concerning the real and true Causes of so many 'and great Evils as this time past had so sore troubled the Peace of this 'Kirk and Kingdom, it was represented to his Majesty's Commissioner 'by this Assembly, that besides many other, the main and most mate-'rial Causes were;

'First, The pressing of this Kirk by the Prelates with a *Service-Book*, 'or Book of *Common-Prayer*, without Warrant or Direction from 'the Kirk; and containing, besides the Popish Frame thereof, divers 'Popish Errors and Ceremonies, and the Seeds of manifold gross Su-'perstitions and Idolatry, with a Book of *Canons*, without Warrant 'or Direction from the General Assembly, establishing a tyrannical 'Power over the Kirk in the Persons of Bishops, and overthrowing the 'whole Discipline and Government of the Kirk by Assemblies; with 'a Book of *Consecration* and *Ordination*, without Warrant or Autho-'rity Civil or Ecclesiastical, appointing Offices in the House of God, 'which are not warranted by the Word of God, and repugnant to 'the Discipline and Acts of the Kirk; and with the *High-Commission*, 'erected without consent of the Kirk, and subverting the Jurisdiction 'and ordinary Judicatories of this Kirk; and giving to Persons 'meerly Ecclesiastical, the power of both Swords; and to Persons 'meerly Civil, the power of the Keys and Kirk Censures.

'A second Cause was the *Articles of Perth*, *viz.* The Observation of 'Festival Days, Kneeling at the Communion, Confirmation, Administra-'tion of the *Sacraments* in private Places, which are brought in by a '*null* Assembly, and are contrary to the *Confessions of Faith*, as it

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15 *Caroli.*

'was meant and ſubſcribed *Anno* 1580, and divers times ſince, and to 'the Order and Conſtitutions of this Kirk.

'Thirdly, The changing of the Government of the Kirk from the 'Aſſemblies of the Kirk, to the Perſons of ſome Kirk-men, uſurping 'Priority and Power over their Brethren, by the way and under the 'name of Epiſcopal Government, againſt the Confeſſion of Faith in '1580, againſt the Order ſet down in the Book of Policy, and againſt 'the Intention and Conſtitution of this Kirk from the beginning.

'Fourthly, The Civil Places and Power of Kirkmen, their ſittingin 'Seſſion, Council, and Exchequer; their riding, ſittting, and voting 'in Parliament; and their ſitting in the Bench as Juſtices of Peace: 'Which according to the Conſtitutions of this Kirk are incompatible 'with their Spiritual Sanction, lifting them up above their Brethren 'in worldly Pomp, and do tend to the hindrance of the Miniſtry.

'Fifthly, The keeping and authorizing corrupt Aſſemblies at *Lin-* '*lithgow* 1606, and 1608; at *Glaſgow*, 1610; at *Aberdeen*, 1616; at 'St. *Andrews*, 1617; at *Perth*, 1618. Which are all null and unlaw- 'ful, as being called and conſtitute quite contrary to the Order and 'Conſtitutions of this Kirk, received and practiſed ever ſince the Re- 'formation of Religion; and withal labouring to introduce Novati- 'ons into this Kirk, againſt the Order and Religion eſtabliſhed.

'A ſixth Cauſe is the want of lawful and free General Aſſemblies, 'rightly conſtitute of Paſtors, Doctors, and Elders, yearly or oftner, '*pro re nata*, according to the Liberty of this Kirk, expreſſed in the 'Book of Policy, and acknowledged in the Act of Parliament, 1592. 'After which the whole Aſſembly in one heart and voice did declare, 'that theſe and ſuch other, proceeding from the neglect and breach of 'the National Covenant of this Kirk and Kingdom made in 1580, 'have been indeed the true and main Cauſes of all our Evils and Diſ- 'tractions: And therefore ordain, according to the Conſtitutions of 'the General Aſſemblies of this Kirk, and upon the grounds reſpective 'above ſpecified, That the aforeſaid Service-Book, Books of Can- 'nons, and Ordination, and the High Commiſſion, be ſtill rejected: 'that the Articles of *Perth* be no more practiſed; that Epiſcopal Go- 'vernment, and the Civil Places and Power of Kirk-men, be holden 'ſtill as unlawful in this Kirk: That the above-named pretended 'Aſſemblies, at *Linlithgow* 1606 and 1608; at *Glaſgow* 1610; 'at *Aberdeen* 1616; at St. *Andrews* 1617; at *Perth* 1618; be hereafter 'accounted as null, and of none effect. And that for preſervation of 'Religion, and preventing all ſuch Evils in time coming, General Aſ- 'ſemblies rightly conſtitute, as the proper and competent Judge of all 'Matters Eccleſiaſtical, hereafter be kept yearly, and oftner, *pro re* '*nata*, as occaſion and neceſſity ſhall require; the neceſſity of theſe 'occaſional Aſſemblies being firſt remonſtrate to his Majeſty by humble 'Supplication: As alſo, that Kirk-Seſſions, Presbyteries, and Syno- 'dal Aſſemblies, be conſtitute and obſerved according to the Order of 'this Kirk.

After the voicing of the Act anent the Cauſes of our by-gone Evils, his Majeſties Commiſſioner conſented verbally to the ſaid Act, and promiſed to give in to the Clerk in Writ, the Declaration of his Conſent, and that he ſhould ratifie this Act in the enſuing Parliament.

An. 1639.

Act Seſſ. 21. Aug. 29. 1639.

An Act anent the keeping of the Lord's Day.

THe General Aſſembly recommendeth to the ſeveral Preſbyteries, the execution of the old Acts of Aſſembly againſt the breach of 'the Sabbath-day, by going of Milns, Salt-Panns, Salmond-fiſhing, 'or any ſuch like labour: And to this end revives and renews the Act 'of the Aſſembly holden at *Halyrood*-Houſe, 1602. *Seſſ.* 5. whereof 'the tenor follows.

'The Aſſembly conſidering that the Conventions of the People, eſ-'pecially on the Sabbath-day, are very rare in many places, by diſtraction 'of Labour, not only in Harveſt and Seed-time, but alſo every Sab-'bath, by fiſhing both of white Fiſh, and Salmon-fiſhing, and in going 'of Milns: Therefore the Aſſembly diſchargeth and inhibiteth all 'ſuch labour of Fiſhing, as well white Fiſh as Salmon-fiſh, and going 'of Milns of all ſorts upon the Sabbath, under the pain of incurring 'the Cenſures of the Kirk: And ordains the Commiſſioners of this 'Aſſembly to meen the ſame to his Majeſty, and to deſire that a pecunial 'Pain might be enjoined upon the Contraveners of this preſent Act.

Seſſ. 23. Aug. 30. 1639.

The Supplication of the General Aſſembly to the King's Majeſties Commiſſioner, concerning the Book called, The large Declaration.

'WE the Members of this preſent Aſſembly, for our ſelves, 'and in the name of the ſeveral Presbyteries, Burghs, and 'Univerſities, for which we are Commiſſioners, reſenting the great 'diſhonour done to God, our King, this Kirk, and the whole King-'dom, by the Book called, *A large Declaration*, have here repreſented 'the ſame to your Grace, and have collected ſome amongſt many of 'falſe, groſs, and abſurd Paſſages, that from the conſideration thereof 'your Grace perceiving the intolerable Evils foreſaid contained there-'in, may be pleaſed to repreſent the ſame to our gracious Sovereign, 'and in our behalfs humbly to beſeech his Majeſty, ſo much wronged 'by the many foul and falſe relations ſuggeſted and perſwaded to him 'as Truths, and by ſtealing the protection of his Royal Name and 'Authority to the patrociny of ſuch a Book, to be pleaſed firſt to call 'in the ſaid Book, and thereby to ſhew his diſlike thereof; next to 'give Commiſſion and Warrant to cite all ſuch Parties, as are either 'known or ſuſpect to have hand in it; and to appoint ſuch as his Ma-'jeſty knows to be either Authors, Informers, or any ways acceſſary, 'being Natives of this Kingdom, to be ſent hither, to abide their 'Trial and Cenſure before the Judg Ordinary; and in ſpecial, Maſter '*Walter Balcanquel*, now Dean of *Durham*, who is known, and hath 'profeſſed to be the Author, at leaſt a Vower and Maintainer of a 'great part thereof; that by their exemplar puniſhment, others may 'be deterred from ſuch dangerous Courſes, as in ſuch a way to raiſe 'Sedition betwixt the King and his Subjects, God's Honour may be

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'vindicate from ſo high Contempt; his Majeſty's Juſtice may appear, 'not only in cutting away ſuch Malefactors, but in diſcouraging all 'ſuch Underminers of his Throne; his loyal and loving Subjects ſhall 'be infinitely contented to be cleared before the World of ſo falſe and 'unjuſt Imputations, and will live hereafter in greater ſecurity, when 'ſo dangerous a Courſe of Sedition is prevented, and ſo will have the 'greater and greater cauſe to pray for his Majeſty's long and proſpe-'rous Reign.

His Majeſty's Commiſſioner in Council having received the ſaid Supplication, promiſed to impart the ſame to his Majeſty, and to report his diligence therein.

The Supplication of the Aſſembly to his Majeſty's High Commiſsioner, and the Lords of ſecret Council.

'WE the General Aſſembly, conſidering with all humble and 'thankful acknowledgment, the many reſent Favours beſtowed 'upon us by his Majeſty; and that there reſteth nothing for crown-'ing his Majeſty's incomparable Goodneſs towards us, but that all the 'Members of this Kirk and Kingdom be joined in one and the ſame '*Confeſſion* and *Covenant* with God, with the King's Majeſty, and 'amongſt our ſelves. And conceiving the main Let and Impediment 'to this ſo good a Work, and ſo much wiſhed by all, to have bin the 'Informations made to his Majeſty, of our Intentions to ſhake off 'civil and dutiful Obedience due to Soveraignty, and to diminiſh the 'King's Greatneſs and Authority: And being moſt willing and deſi-'rous to remove this, and all ſuch Impediments which may hinder and 'impede ſo full and perfect an Union, and for the clearing of our 'Loyalty, We in our own Names, and in the Names of all the reſt 'of the Subjects and Congregations whom we repreſent, do now in 'all humility repreſent to your Grace, his Majeſty's Commiſſioner, 'and the Lords of his Majeſty's moſt Honourable Privy-Council, and 'declares before God and the World, that We never had nor have 'any thought of withdrawing our Selves from that humble and duti-'ful Obedience to his Majeſty, and to his Government; which by 'the deſcent, and under the Reign of 107 Kings, is moſt chearfully 'acknowledged by Us and our Predeceſſors; and that we never had, 'nor have any intention or deſire to attempt any thing that may tend 'to the diſhonour of God, or the diminution of the King's Greatneſs 'and Authority: But on the contrary, acknowledging our quiet-'neſs, Stability, and Happineſs, to depend upon the ſafety of the 'King's Majeſty's Perſon, and maintenance of his Greatneſs and Royal 'Authority, who is God's Vicegerent ſet over us, for the mainte-'nance of Religion, and miniſtration of Juſtice, we have ſolemnly 'ſworn, and do ſwear, not only our mutual Concurrence and Aſſiſtance 'for the Cauſe of Religion, and to the uttermoſt of our power, with 'our Means and Lives, to ſtand to the defence of our Dread Sove-'reign, his Perſon and Authority, in preſervation and defence of 'the true Religion, Liberties, and Laws of this Kirk and Kingdom; 'but alſo in every Cauſe which may concern his Majeſty's Honour, 'ſhall accordingly to the Laws of this Kingdom, and the Duties of

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An. 1639. 'good Subjects, concur with our Friends and Followers, in quiet 'manner, or in Arms, as we ſhall be required of His Majeſty, his 'Council, or any having his Authority. And therefore being moſt 'deſirous to clear our ſelves of all Imputation of this kind, and fol- 'lowing the laudable Example of our Predeceſſors, 1589, do moſt 'humbly ſupplicate your Grace, his Majeſty's Commiſſioner, and the 'Lords of his Majeſty's moſt Honourable Privy-Council, to enjoin by 'Act of Council, that the Confeſſion and Covenant, which, as a Te- 'ſtimony of our Fidelity to God, and Loyalty to our King, we have 'ſubſcribed, be ſubſcribed by all his Majeſty's Subjects, of what rank 'and quality ſoever.

The King's Majeſty's Commiſsioner's Declarations.

'THe which day his Majeſty's Commiſſioner, and Lords of Coun- 'cil, after the receiving of the Supplication of the General Aſ- 'ſembly, anent the *ſubſcribing of the Covenant*, having returned to the 'Aſſembly, his Majeſty's Commiſſioner, in Name of the Council, 'declared, That he had received the Supplication of the Aſſembly, 'deſiring that the *Covenant* might receive the force of an Act of 'Council, to be ſubſcribed by all his Majeſty's Subjects, that they 'had found the Deſire ſo fair and reaſonable, that they conceiv- 'ved themſelves bound in duty to grant the ſame, and thereup- 'on have made an Act of Council to that effect; and that there 'reſted now the Act of Aſſembly. And that he himſelf was ſo 'fully ſatisfied, that he came now as his Majeſty's Commiſſioner, to 'conſent fully unto it; and that he was moſt willing that it ſhould 'be enacted here in this Aſſembly, to oblige all his Majeſty's Subjects 'to ſubſcribe the ſaid *Covenant*, with the Aſſemblies Explanation. 'And becauſe there was a third Thing deſired, his Subſcription as the 'King's Commiſſioner, unto the Covenant, which he behoved to do, 'with a Declaration in writ; and he declared as a Subject, he ſhould 'ſubſcribe the *Covenant* as ſtrictly as any, with the Aſſemblies Decla- 'ration: But as his Majeſty's Commiſſioner, in his Name behoved 'to prefix to his Subſcription, the Declaration following, which no 'Scots Subjects ſhould ſubſcribe, or have the benefit of, no not him- 'ſelf as Earl of *Traquair*; the Tenour whereof follows.

'SEeing this Aſſembly, according to the laudable Form and Cuſtom 'heretofore kept in the like Caſes, have in an humble and dutiful 'way, ſupplicate to us his Majeſty's Commiſſioner, and the Lords of 'his Majeſty's moſt Honourable Privy-Council, That the Covenant, 'with the Explanation of this Aſſembly, might be ſubſcribed. And 'to that effect, that all the Subjects of this Kingdom, by Act of 'Council, be required to do the ſame; and that therein, for vindi- 'cating themſelves from all ſuſpitions of Diſloyalty, or deroga- 'ting from the Greatneſs and Authority of our Dread Soveraign, 'have therewith added a Clauſe, whereby this Covenant is declared 'one in ſubſtance with that which was ſubſcribed by his Majeſty's Fa- 'ther (of bleſſed Memory) 1580, 1581, 1590, and often ſince re- 'newed. Therefore as his Majeſty's Commiſſioner, for the full ſatiſ- 'faction of the Subjects, and for ſetling a perfect Peace in Church and 'Kingdom, do, according to my foreſaid Declaration and Subſcrip- 'tion,

'tion, ſubjoined to the Act of this Aſſembly, of the date the 17th of 'this Inſtant, allow and conſent that the Covenant be ſubſcribed 'throughout all this Kingdom. In Witneſs whereof I have ſubſcribed 'the Premiſes. 15 *Caroli.*

Like as his Majeſty's Commiſſioner read and gave in the Declation following, of his conſent to the Act of the Aſſembly, Auguſt 17, *anent the Cauſes of our By-gone Evils.*

'I *John* Earl of *Traquair*, his Majeſty's Commiſſioner in this pre-'ſent Aſſembly, do in his Majeſty's Name declare, That not-'withſtanding of his Majeſty's own Inclination, and many other 'grave and weighty Conſiderations, yet ſuch is his Majeſty's incompa-'rable Goodneſs, that for ſetling the preſent Diſtractions, and giving 'full ſatisfaction to the Subject, He doth allow, like as I his Majeſty's 'Commiſſioner do conſent to the foreſaid Act, and have ſubſcribed 'the Premiſes.

Like as his Majeſty's Commiſſioner read and gave in the Declaration following.

'IT is always hereby declared, by me his Majeſty's Commiſ-'ſioner, That the Practice of the Premiſes, prohibited within 'this Kirk and Kingdom of *Scotland*, ſhall never bind nor 'infer Cenſure againſt the Practices outwith the Kingdom. Which 'when the Commiſſioner deſired to be Inſert in the Regiſter 'of the Kirk, and the Moderator, in the Name of the Aſſembly, re-'fuſed to give Warrant for ſuch practice, as not agreeable with a good 'Conſcience. His Grace urged, that it ſhould be recorded at leaſt 'that he made ſuch a Declaration, whatſoever was the Aſſemblies 'Judgment in the contrary; and ſo it is to be underſtood to be inſert 'here only reſcitative.

Act ordaining the Subſcription of the Confeſſion of Faith *and* Covenant, *with the Aſſemblies Declaration.*

'THe General Aſſembly conſidering the great Happineſs which may 'flow from a full and perfect Union of this Kirk and Kingdom, 'by joyning of all in one and the ſame Covenant with God, with the 'King's Majeſty, and amongſt our Selves, having by our great Oath 'declared the Uprightneſs and Loyalty of our Intentions in all our 'Proceedings; and having withal ſupplicated his Majeſty's High 'Commiſſioner, and the Lords of his Majeſty's Honourable Privy-'Council, to enjoin by Act of Council, all the Lieges in time com-'ing to ſubſcribe the *Confeſſion of Faith* and *Covenant*, which is a Te-'ſtimony of our Fidelity to God, and our Loyalty to our King, We 'have ſubſcribed. And ſeeing his Majeſty's High Commiſſioner, and 'the Lords of his Majeſty's Honourable Privy-Council, have granted 'the deſire of our Supplication, ordaining by Civil Authority, all his 'Majeſty's Leiges in time coming, to ſubſcribe the aforeſaid *Covenant*,

'that

An. 1639. 'that our Union may be the more full and perfect, We by our Act 'and Conſtitution Eccleſiaſtical, do approve the foreſaid *Covenant*, in 'all the Heads and Clauſes thereof, and Ordains of new under all 'Eccleſiaſtical Cenſure, That all the Maſters of Univerſities, Colleges, 'and Schools; all Scholars at the paſſing of their Degrees; all Per-'ſons ſuſpect of Papiſtry, or any other Error; and finally, all the 'Members of this Kirk and Kingdom ſubſcribe the ſame, with theſe 'words prefixed to their Subſcription. The Article of this *Covenant*, 'which was at the firſt Subſcription referred, the Determination of 'the General Aſſembly being determined, and that thereby the *Five 'Articles of Perth*; the Government of the Kirk by Biſhops; the 'Civil Places and Power of the Kirk upon the Reaſons and Grounds 'contained in the Act of the General Aſſembly, declared to be un-'lawful within this Kirk; We ſubſcribe, according to the Determina-'tion aforeſaid; and ordains the Covenant, with the Declaration, to 'be inſert in the Regiſters of the Aſſembly of this Kirk, General, 'Provincial, and Preſbyterial, *ad perpetuam rei memoriam*; and in all 'humility humbly ſupplicates his Majeſty's High Commiſſioner, and 'the Honourable Eſtates of Parliament, by their Authority to ratify 'and enjoin the ſame under all Civil Pains, which will tend to the 'Glory of God, Preſervation of Religion, the King's Majeſty's Ho-'nour, and perfect Peace of this Kirk and Kingdom.

Seſſ. 24. 30 Aug. *a meridie.*

The Aſſemblies Supplication of the King's Majeſty.

Moſt Gracious Soveraign,

'WE your Majeſty's moſt Humble and Loyal Subjects, the Com-'miſſioners from all the parts of this your Majeſty's Ancient 'and Native Kingdom, and Members of the National Aſſembly, con-'vened at *Edinburgh* by your Majeſty's ſpecial Indiction, and honoured 'with the preſence of your Majeſty's High Commiſſioner, have bin 'waiting for a day of Rejoycing, and of ſolemn Thankſgiving to be 'rendred to God by this whole Kirk and Kingdom, for giving us a 'King ſo Juſt and Religious, that it is not only lawful for us to be 'Chriſtians under your Majeſty's Government, which ſomtime hath 'bin the greateſt praiſe of great Princes, but alſo that it hath pleaſed 'your Gracious Majeſty to make known, That it is your Royal Will 'and Pleaſure, that all Matters Eccleſiaſtical be determined in free Na-'tional Aſſemblies, and Matters Civil in Parliament; which is a moſt 'noble and ample expreſſion of your Majeſty's Juſtice; and we truſt 'ſhall be a powerful means of our common Happineſs under your 'Majeſty's moſt bleſſed Reign. In the mean while We do moſt hum-'bly from our Hearts, bleſs your Majeſty for that Happineſs already 'begun in the late Aſſembly at *Edinburgh*; in the Proceedings where-'of, next under God, We have laboured to approve our ſelves unto 'your Majeſty's Vicegerent, as if your Majeſty's Eyes had bin upon 'us; which was the deſire of our Souls, and would have bin the 'Matter of our full rejoicing; and do ſtill continue your Majeſty's 'moſt humble Suppliants for your Majeſty's Civil Sanction and

'Ratification

15 *Caroli.*

'Ratification of the Conſtitutions of the Aſſembly in Parliament; 'that your Majeſty's Princely Power, and the Eccleſiaſtical Authority 'joining in one, the mutual Imbracements of Religion and Juſtice, 'of Truth and Peace, may be ſeen in this Land, which ſhall be to us 'as a Reſurrection from the Dead; and ſhall make us, being not on-'ly ſo far recovered, but alſo revived, to fill Heaven and Earth with 'our Praiſes, and to pray that King *Charles* may be more and more 'bleſſed, and his Throne eſtabliſhed before the Lord for ever.

The Aſſembly appoints the next General Aſſembly to ſit at *Aberdeen* the laſt *Tueſday* of *July* next, 1640; and warneth all Preſbyteries, Univerſities and Burroughs, to ſend their Commiſſioners for keeping of the ſame. And thereafter the Aſſembly was concluded, by giving of Thanks by the Moderator, and ſinging of a Pſalm, according to the Cuſtom.

Having given this brief Account of the Scotiſh Affairs, in reference to the Aſſembly at *Edinburgh*, let us return to the Tranſactions of Affairs in *England*, where we broke off, and there we find a Proclamation publiſhed by the King, declaring an Act of State, and the King's Command concerning a ſcandalous Paper lately diſperſed by the Scots among many of his Subjects, to the effect following.

Auguſt 11. An Act of State againſt the *Scots* concerning a ſcandalous Paper lately diſperſed by them.

WHereas a Paper containing many Falſhoods, and tending much to the Diſhonour of his Majeſty's late Proceedings in the Pacification given to his Subjects of Scotland, hath been diſperſed in divers Parts of this Kingdom; whereupon an Act of Council hath bin made in theſe words enſuing:

ON Sunday the fourth of Auguſt, 1639. His Majeſty being in Council, was pleaſed to acquaint the Lords with a Paper he had ſeen at Berwick, entitled, Some Conditions of his Majeſty's Treaty with his Subjects of Scotland are ſet down here for remembrance. Which Paper being in moſt parts full of Falſhood, Diſhonour and Scandal to his Majeſty's Proceedings in the late Pacification, given of his Princely Grace and Goodneſs to his Subjects of Scotland, hath bin very frequently ſpread here in England, and avowed by ſome in Scotland to have bin approved and allowed as Truth by ſome of thoſe Lords of England, who attended his Majeſty, and were preſent at the Pacification in the Camp. Whereupon the Paper having bin read, and his Majeſty commanding thoſe Engliſh Lords to declare their knowledg therein. The Earl Marſhal firſt begun to put his Majeſty in remembrance, that ſome few days after the Pacification was concluded, ſome of the Scotiſh Lords coming to the Lord Chamberlain's Tent, ſent to ſpeak with him, and the Earl of Holland, and offered them a certain Paper, which they pretended to have bin collected for the help of their Memories, and not otherwiſe, nor to be publiſhed: But the ſaid Engliſh Lords very dutifully and diſcreetly refuſed to accept that or any ſuch Paper, but referred themſelves totally to the Pacification in Writing. And the ſaid Earl

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Marshal further declared, That now upon the reading, he for his part held the said Paper for the most part false and scandalous, and no way agreable to what his Majesty expressed at the Pacification.

Next the Lord Chamberlain declared, That he being ready to take Horse, and a number of his Friends about him taking their leave, the Lord Loudon pressed him with much importunity to receive a Paper, which he took, not knowing what it contained; but at night when he came to his Lodging, doubting it might be some such Paper as had been formerly offered, and was refused, took it, without reading it, and sealed it up, and so kept it till he presented it to his Majesty at Whitehall, professing that till that time he had never read any one word of it, nor seen any other Copy thereof. Which Paper being that which had been divulged, was the same which his Majesty had commanded to be read at the Board.

The Earl of Salisbury likewise desired to justify himself of a particular Scandal laid upon him, that he had received and brought Copies of this Paper from the North; which he declared could not be, because he was come away from the Camp before that Paper had bin offered, and that he had never seen that, nor any Copy thereof, before his Majesty's return to Theobalds.

After this the Lord Chamberlain, the Earls of Salisbury, Holland, and Barkshire, concurred with the Earl Marshal, That the Contents of that Paper were for the most part notoriously scandalous and false, and contrary to what his Majesty clearly expressed at the Pacification.

His Majesty likewise declared, that before his coming from Berwick he shewed a Copy of this scandalous Paper to the Earl of Lindsey, the Earl of Holland, Master Treasurer, and Master Secretary Cook, who fully concurred in the aforesaid Opinion with the other Lords. All which Lords, and particularly the Earl of Holland, avowed the falsness thereof to the faces of those Scotish Lords who were believed to be the Divulgers of it, (the Lords of the Council of Scotland being there likewise present).

All which considered, the whole Board unanimously became humble Petitioners to his Majesty, That this false and scandalous Paper might be publickly burnt by the Hang-man.

His Majesty declares his Pleasure to continue his Commission and Letters-Patents for Licensing Retailers of Tobacco, notwithstanding his Proclamation.

Concerning Retailers of Tobacco.

WHereas by his Majesties Proclamation, dated at York the 9th of April last, it was declared, that among sundry other Commissions granted upon untrue Surmises, a Commission for compounding with Offenders touching Tobacco was thereby revoked and determined. Under colour whereof sundry Persons have pretended that his Majesties Commission to the Lord Goring and others, for licensing Retailers of Tobacco, was thereby called in; and thereupon the like Commissioners have bin interrupted in their Proceedings in their Service, and Tobacco in divers parts of the Kingdom hath bin retailed without his Majesty's License, and many who have

have Licenſes have forborn to make payment of their Rent.

His Majeſty therefore, to remove all Doubts, hath thought fit, with the Advice of his Privy-Council, publickly to declare his Royal Intention, that his Majeſty's Letters-Patents and Commiſſion to the Lord Goring, concerning the Licenſers of Retailers of Tobacco, was not meant to be impeached by the ſaid Proclamation of the 9th of April laſt; but that the ſaid Letters-Patents and Commiſſions are ſtill in force, and no way infringed.

At the Court at *Whitehall*, *Aug.* 25. 1639.

Preſent,

The King's moſt Excellent Majeſty,

Lord Archbiſhop of *Cant.*	Earl of *Salisbury*,
Lord Keeper,	Earl of *Holland*,
Lord Duke of *Lenox*,	Lord *Goring*,
Lord Marqueſs *Hamilton*,	Lord *Cottington*,
Earl Marſhal,	Lord *Newburgh*,
Lord High Admiral,	Mr. Comptroller,
Earl of *Dorſet*,	Mr. Secretary *Windebank*.

Auguſt 25. the Lord *Goring* made one of the Privy-Council.

According to his Majeſty's Pleaſure ſignified by Mr. Secretary *Windebank*, *George* Lord *Goring* was this day ſworn of his Majeſty's Privy-Council, ſate at the Board, and ſigned Letters.

The Oath which he took was as followeth:

The Oath of a Privy-Counſellor.

YOu ſhall ſwear to be a true and faithful Servant unto the King's Majeſty, as one of his Privy-Council: You ſhall not know or underſtand of any manner of thing to be attempted, done, or ſpoken againſt his Majeſty's Perſon, Honour, Crown, or Dignity Royal, but you ſhall let and withſtand the ſame to the uttermoſt of your Power; and either cauſe it to be revealed unto his Majeſty himſelf, or to ſuch of his Privy-Council as ſhall advertiſe his Highneſs of the ſame. You ſhall in all things to be moved, treated, and debated in Council, faithfully and truly declare your Mind and Opinion, according to your Heart and Conſcience; and ſhall keep ſecret all Matters committed and revealed unto you, or ſhall be treated of ſecretly in Council. Or if any of the ſaid Treaties and Counſels ſhall touch any of the Counſellors, you ſhall not reveal it unto him, but ſhall keep the ſame, until ſuch time as by the conſent of his Majeſty, or of the Council, publication ſhall be made thereof. You ſhall to your uttermoſt bear Faith and Allegiance unto the King's Majeſty, his Heirs, and Lawful Succeſſors, and ſhall aſſiſt and defend all Juriſdictions, Preheminencies, and Authorities, granted to his Majeſty, and annexed to his Crown, againſt all Foreign Princes, Perſons, Prelates, or Potentates, by Act of Parliament, or otherwiſe.

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And generally in all things you ſhall do, as a faithful and true Servant and Subject ought to do to his Majeſty. So help you God, and the holy Contents of this Book.

The Spaniſh *Armado* appears on the Engliſh Coaſt.

The King had not bin returned from *Berwick* much above a month, when there appeared upon the *Engliſh* Coaſt a great *Spaniſh Armado*, diſcovered firſt beyond the *Lands-End* by a Fleet of *Hollanders* about the 17*th* of *September*. The Fleet was commanded by *Don Antonio D'oquendo*, conſiſting of about ſeventy Sail of Ships; at the firſt ſight they appeared like the Invincible Navy in 88. The Vice-Admiral of *Holland*, with ſeventeen good Ships ingaged them, yet in a retreating poſture, being much too weak for ſo great a Navy: And when he came into the *Narrow Seas*, ſtill kept firing of his Ordnance upon the Enemy, having got the Wind of them, with intent not only to annoy them, but to give warning to the *Holland* Admiral *Van Trump*, then lying before *Dunkirk* with part of the *Holland* Feet; who upon the noiſe of the Cannon weighed Anchor, and within few hours, bringing with him eight tall Ships, joined with the ſeventeen Sail. And being now 25 in number, they reſolutely ſet upon the *Spaniſh* Fleet, held out a fierce Engagement with them moſt part of that day; took three Galleons, ſunck one, and ſhattered the reſt; inſomuch that the *Spaniard*, for his better ſecurity, betook himſelf to the *Downs* near *Dover*, aſſuring himſelf of protection while he lay in the King of *England*'s Chamber.

That Night, by the help of an Engliſh Pilot, the *Spaniard* ſent away ſixteen Ships with 4000 Land-men, who in the dark eſcaped the *Dutch*, and got ſafe to *Dunkirk*.

The King ſent the Earl of *Arundel* to the Commander of the *Spaniſh* Fleet, for a ſight of his Commiſſion, and to know the occaſion of his coming upon the Coaſt with ſo great a Navy and Army, having abord in number about 20000 Land-men (as the King was informed) beſides Seamen.

The Spaniſh *Don* returned this Anſwer, That the King of *England* might be well aſſured, that there was no evil intention towards him, nor had they any Deſign upon any part of his Dominions, for they were only ſent with Recruits to *Dunkirk* and *Flanders*, with mony to pay the Souldiers there.

That Anſwer was all the Commiſſion the *Spaniard* ſhewed.

The King afterward deſired him to retreat with the firſt fair Wind, for that he was in Amity with both States, and would not willingly have them engage within his Dominion of the Seas. Captain *Pennington* in the mean time received Orders from his Majeſty to ride with the Royal Navy in the *Downs*, and there to wait the iſſue of this Buſineſs.

Great were the hopes of the *Spaniard* to have procured from the King of *Great Britain*; (which was not a little laboured for by the Lord *Cottington*) that Captain *Pennington* ſhould be Umpire between both Parties, and not ſuffer any further Engagement, but fall upon that Party that ſhould, without his leave, give the firſt onſet.

But thoſe endeavours proved ineffectual, for the *Spaniard* having ſtaied almoſt a month for a Wind to carry him out, the *Hollander* had in the mean time increaſed his Fleet to almoſt an hundred Sail, and

incompaſſed

incompaſſed the *Spaniard*, without receiving any oppoſition from Capt. *Pennington.*

The *Spaniard* in the interim being ſupplied from *London* with Powder and other Ammunition, in ſuch Proportion and Quantity as he deſired.

The *Hollander* impatient of lying ſtill, and being grown ſo ſtrong, that he ſeemed, as if he cared neither for the *Engliſh* nor *Spaniſh* Fleet, divided his Fleet into Squadrons in order to a Fight; which the *Spaniard* diſcovering, put himſelf into the beſt poſture he could to receive him. The Encounter was very hot and furious for the time, till the *Hollander* faſtned ſome Fire-Ships upon the *Spaniard*, and ſo overpowred him with Cannon, that at laſt the *Spaniard* was forced to ſhift for himſelf: About twenty *Spaniſh* Ships, under the Command of the Vice-Admiral, ran upon the Shore and were ſtranded, but moſt of the Men got on ſhore. About five of the *Spaniſh* Ships were ſunk and burnt, whereof one a great Galleon, which was the Vice-Admiral, and carried fifty Pieces of Braſs Ordnance; the reſt of the Ships, being about thirty in number, put to Sea under the Command of *Don Antonio*. The *Hollanders* made ſail after them, firing upon their Rear, till a great Fog ſomewhat abated the heat of the purſuit, yet the *Hollander* kept ſo cloſe, as that he continued firing now and then upon the Rear of the Enemy, till the Fog cleared up; and then the Fight began afreſh, and the Admiral of *Portugal* being fired, and divers of the *Spaniards* taken, *Don Antonio*, with about ten Ships of the Fleet, hired an *Engliſh* Pilot, ſteered a Courſe for *Dunkirk*, and gained a ſafe Harbour, the reſt were taken and ſunk.

The *Spaniards* that came to Land near *Dover*, told the Country People, That they were brought out of the Kingdom of *Spain* againſt their Wills, and by a Device, *viz.* That the Beacons being fired, as if an Enemy had landed, all the Country runnig down with Arms and Clubs toward the Sea-Coaſt, to prevent further Danger, were, as ſoon as they came there, clapt aboard the Ships, and brought away.

It occaſioned no ſmall diverſity of Opinion, that ſo great an *Armado* ſhould come upon the *Engliſh* Coaſt at ſuch a conjuncture of Time.

And it was obſerved, that the Governor of *Dunkirk* did abſolutely refuſe, till afterwards he had particular Orders from the chief Governor of *Flanders*, to give the aforeſaid 4000 Souldiers entrance into *Dunkirk*, not knowing what the Deſign might be.

Some diſcourſed that the aim was upon the *Iſle of Wight*, ſeveral of the Trained Bands of that County being that Summer commanded into the North, and the Governor, or his Deputy, having about that time of the *Spaniard's* coming upon our Coaſt, in a Frolick, (at drinking of Healths) well nigh ſhot away all the Powder, ſo that the Inhabitants had not enough wherewith to reſiſt an Enemy if they had landed.

Nor had *Kent* Arms to defend their Coaſts; for the Trained-Bands were ordered to furniſh the Souldiers that went by Sea to *Scotland* with Arms.

Others conjectured, that they were intended for *Ireland*, where there was an Army raiſing of 8000 Men, about 7000 whereof were Papiſts,

An. 1639. Papiſts, who might better ſecure their Landing in that Kingdom, and where there was no want of Men of the ſame Religion to join with them, and Men of Experience to Command them; for there were not in the Fleet Commanders in any meaſure proportionable to the number of Men aboard the Ships.

But it was wondred at by all, that the King of *Spain* ſhould be at ſo great a Charge to convey his Mony into *Flanders*, when the *Engliſh* Ships had from Year to Year performed the ſame Service for the expence of Coinage in the *Tower*.

Jealouſy did ariſe amongſt others, becauſe at that time all the Gunpowder was placed in one hand, and the *Tower* of *London* in the Command of one not acceptable to the Nation at that time.

Another ſort concluded they were bound for *Scotland*, in hope that both theſe Nations would ſhortly be involved in a War.

This enſuing Propoſition made to the King of *Spain*, was diſcovered about that time the ſaid *Armado* came on the *Engliſh* Coaſt; upon the out-ſide of the Paper was ſubſcribed *Bro*—entituled, *The means to eſtabliſh the Catholick Religion in* Scotland.

But the Author leaves the Reader free to his own Judgment, what Application can be made, that the Paper had that Deſign, in reference to the preſent Diſturbances in *Scotland*. The Propoſition was in theſe words.

'FOr the Enterprize, there ſhall be need of no more than 3000 'Men of Aid, which ſhall land in the Iſlands of *Orkney*; which 'being of themſelves ſtrong, may be made in a little time impregna- 'ble; beſides they are fertile, and abundance of all things neceſſary 'for the ſuſtaining of the aforeſaid number, and very near the 'Strengths of the moſt principal and powerful Catholicks of *Scot- 'land*; amongſt which is the Earl of *Caithneſs*, who is Lord of all thoſe 'parts of *Caithneſs*, which are neareſt the Iſlands of *Orkney*, and may 'aid us with 4000 Men to join with the others; which after having 'fortified, and made ſure the *Iſlands*, ſhall paſs on to *Dondee*, 'and St. *Johnſtons*, Places very eaſy to fortify and to keep, being di- 'vided from the firm Land by the great River of *Frith*, which is ſo 'deep, that the Enemy cannot paſs it with their Horſe, neither can the 'Foot endanger us, becauſe they muſt of neceſſity enter by the Moun- 'tains of *Atholl*; the which with a Fort made with 300 Men, ſhall be 'inacceſſable: And although we ſhould give them free paſſage, they 'could not prejudice us, as well for that Multitude on our part, and 'the ſtrength of the Country, as alſo for the Intelligence we ſhall 'have amongſt them: And if they would ſet upon us by Sea, they 'can ſet out no Fleet ſo ſtrong as ours ſhall be, except all the King- 'dom contribute to it. The which cannot be done except all the 'States do join; of which we of the Confederacy ſhall be the grea- 'ter part; and ſo the Enemy ſhall forthwith be forced, either to give 'Liberty of Conſcience to the Catholicks, or put themſelves in evi- 'dent danger of loſing all.

The

The Commodities which ſhall reſult from this Enterprize.

'Your Majeſty ſhall get great Honour and Reputation by doing 'ſo remarkable Services to God and his Church; and ſhall put 'your Enemies to ſuch a ſtreight, and ſuch extraordinary Expences, 'that they ſhall now ſpend more in one Year, than they have done in 'many; becauſe the *Hollanders* ſhall either be forced to maintain an 'Army, (not to Rob, as they have done in the *Indies*, but for their 'own Defence) or to let their Fleet be taken, which goes every 'Year to fiſh in our Sea; by which means they would want Provi- 'ſion, Ships, and Mariners, and other incredible Damages would 'follow; and howſoever it ſhould be, we may take from them, or at 'leaſt interrupt their Trade of *Denmark*, *Hamburgh*, and *Lubeck*, '*Breme* and *Embden*, without which they cannot live. The King of *Spain*.

'Laſt of all, Thoſe of *Dunkirk* and *Newport*, which have no other 'Ports to retire themſelves to, ſhall not want them in *Orkney*, with a 'proſperous Wind, to their great Commodity, and annoying their 'Enemy.

'As for the King of *Great Britain*, if he will not give Liberty of 'Conſcience, he ſhall be reduced to it with no leſs Dammage; and if 'he would hinder our Enterprize, he muſt maintain three Armies, 'two by Sea, one on the Weſt ſide, the other on the Eaſt, and the 'third by Land; which ſhall do us no great hurt, by reaſon the *Scots* 'will never conſent that the *Engliſh* ſhall enter into *Scotland*, except 'it be with ſo ſmall a Troop, as ſhall be of no effect, and ſhall be al- 'ways ſubject to be expoſed to all Danger, and to be caſt out from 'thence at our pleaſure, and this for the great Enmity and Diſtruſt 'which is and always hath bin between both Nations. Beſides, the '*Engliſh* Catholicks which are now Baniſhed, or ſhall be hereafter, 'may retire themſelves thither, and hold correſpondency with much 'facility in *England*, and ſhall handle and negotiate for the Service of 'God, and your Majeſty, and much prejudice the King: And they 'ſhall be ſuccoured and helpt of the *Iriſhmen* with all things neceſſary, 'and upon all occaſion that ſhall be offered.

'For this purpoſe there ought to be a Conſideration of the great 'miſchief that may light upon God's Church, and this Monarchy; 'if the King of *England*, being confederate with all the Hereticks 'and Enemies of God and *Spain*, ſhould have opportunity during 'his Life, to carry forward and facilitate his Pretence and Title which 'he hath to the Crown of *France*, the Buſineſs will be ended before 'we can from hence hinder him, and he will be the moſt powerful 'Enemy to God's Church, and prejudicial to this Monarchy, that ever 'hath bin, conſidering the great Power he ſhall have both by Sea and 'Land, with the Aid of *Denmark* his Brother-in-Law, *Holland*, and 'other Hereticks his Confederates.

'Other things there be of more Importance, which are not fit to be 'written, which I reſerve to tell your Majeſty by word of mouth, 'or to whomſoever of your Council your Majeſty ſhall be plea- 'ſed to appoint; to whom I will alſo give a more particular Ac- 'count and Satisfaction of what I have here propoſed.

Now

An. 1639.

Now in regard this Paper doth mention the Ferries in *Scotland*, and the advantage of ſtrength which that part of the North of *Scotland* hath thereby, the Reader for his diverſion may caſt his eye on this Deſcription following, which was made for his Majeſty's ſervice againſt the *Covenanters*.

A Paper of the Ferries in *Scotland*.

'THe River of *Neſs* is large and deep, falleth out of a Lake named *Neſs*, twenty four Miles long, and five or ſix in breadth, 'into a great Bay of the Sea. On this River ſtandeth the Town of '*Innerneſs*, which hath a ſtrong Caſtle, in the keeping of the Mar-'queſs of *Huntly*, as yet not taken. If in this Town and Caſtle were 'put a competent Garriſon, with a Ship and Pinnace in the Bay, you 'might break the Ferry-Boats, and ſtop all Paſſages from Northward 'of that River.

'The River of *Tay* falleth out of a Lake ten Miles long, and one 'and a half broad, from whence the River hath the Name, which is 'the main and only Paſſage between the North and South Parts of 'the Kingdom. This River falleth into the Eaſt Sea below *Dundee*, 'the biggeſt Town almoſt in *Scotland*. At the entry to the Sea it is 'two Miles broad, and continueth the ſame breadth upward till with-'in three or four Miles of St. *Johnſtown*, between which Town and 'Dundee there are ſixteen Miles and above, at no part whereof there 'is any paſſage but by Ferry-boats. If a few Ships would ride at the 'Mouth of this River below *Dundee*, and ſend up ſome ſmall Pinna-'ces, they might break all the Ferry-boats, and ſtop all the Paſſages 'that could be made over at any part between the North of the Ri-'ver and the ſaid Town of St. *Johnſtown*, above which to the ſaid 'Lake the River is not ridable but at ſome few Fords, the Paſſages 'whereof might be kept by the Noblemen, who ſtand well affected 'to his Majeſty's Service, and whoſe Eſtates do lie there about *Stra-'thern*; ſuch as the Earls of *Airly*, *Perth*, *Tullibarden*, and *Kinnoul*: 'who if they were ſent home with a competent Number of Souldiers 'to attend them, all thoſe of their Name, their Friends and Tenants 'gathered unto them, might ſtop all Land-paſſages whatſoever from 'North to South.

'And in caſe the People of *Fife*, who dare not now croſs *Forth*-'River, in regard of your Majeſty's Ships, ſhould march with ſupply 'by *Sterling*-Bridge to *Lothian*, theſe Noblemen with their Forces 'might be in ſome narrow Paſſage in their way; and if they could not 'force them to retire, yet they might fall upon their Country in their ab-'ſence, ſo that they could not both be able to defend their Sea-Coaſts, 'and ſecure them from Danger on their Backs; neither durſt they all 'turn back on *Strathern*, for fear that thoſe of the Fleet ſhould land 'on their Shores in their abſence.

'The Shire of *Perth* would be a Rendezvouz and ſafe Retreat to 'all thoſe of *Fife*, *Angus*, *Strathern*, and the *Highlands*, who upon this 'Proclamation ſhall abandon the *Covenanters* Party, and ſtand for his 'Majeſty's Service.

'Theſe four Noblemen, with the Number your Majeſty will ſend 'with them, might be ſent almoſt to their Dwellings by Sea on the 'ſaid River.

'If

'If the Town of *Sterling* were ſeized, theſe River-Paſſages made 'ſure, and the Town of *Aberdeen* ſecured, in regard of your Majeſty's 'Forces in the North, no harm could be expected from the 'North.

Caroli 15.

An Account of the Spaniſh Armado *this preſent Year* 1639, *but for what Invaſion not yet known.*

This Paper was ſent from beyond Seas, before their Arrival in the *Downs* near *Dover.*

THeir Galleaſſes, Gallions, and Gallies,	200		
Ships built after the Engliſh faſhion,	120	*in toto,*	380.
20 Hulks, 20 Pinks, 20 Carvels, in all,	60		
Land-Souldiers,			26000
Voluntary Noblemen and Gentlemen,			800
Great Ordnance,			4000
Saylors,			13000
Gally-Slaves,			3000
Kintals of Pouder,			9000
Poyſoned Bullets for Ordnance,			420000
Hollow Bullets with wild Fire,			20000
Muskets and Callivers,			22000
Partizans,			10000

Double Cannon, Field-Pieces, Dry-fats filled with old Nails and broken Iron, with ſtore of Carriages, and other Neceſſaries both for Sea and Land-Service, without number. Alſo there are 3000 Spears, and Armor Muſquet-proof. There is great proviſion for Wine, Biſkets, Hogs, Bacon, Cheeſe, Beeves, Rice, Peaſe, Oats, Lamps, Pipes for freſh Water, Torches, Lanthorns, Canvas, Lead, Spades, Mattocks, Shovels, Goulthrip, Baskets, Bruſhtrops innumerable.

The Names of the Commanders of the Fleet.

Duke *Albaigne,*	Don *Michel deme Schedula,*
Duke *Erdiſicke,*	Don *Jugg Piker dē la,*
Duke *Dadon,*	Don *Egmunda,*
Marqueſs *de Dal,*	With other Dons.

With theſe the Arch-Duke is to meet with great Forces, and to be General of the whole, who is reported to have a Ship thought to be Cannon-proof for this Armado. There commeth with the Arch-duke Marqueſs *Spinola* the younger, the Earl of *Tyrone,* and the Earl of *Arquila,* with 3000 Horſe to be tranſported in flat-bottomed Boats. The ſecond Son to the Duke of *Savoy* is Admiral of the *Spaniſh* Navy; Sir *Robert Dudley,* Vice-Admiral; Sir *Griffin Markeham,* and Sir *Guy Stanley,* Colonels of Regiments. Alſo there is one *Nevil,* who termeth himſelf Earl of *Weſtmerland,* who hath a great Command.

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The Names of the Cities that have ſent in Ships.

From	*Avire*,	20	*in toto*, 280
	Valentia,	20	
	Lisbon,	40	
	Groine,	50	
	Cadiz, and *Mary-Port*,	20	
	St. *Sebaſtians*,	20	
	Naples,	40	
	Barcelonia,	70	

There are lately arrived at *Lisbon* twenty armed Elephants ſent from *Perſia*, but for what purpoſe is unknown.

A Copy of a Letter ſent from *Malago*.

IN this place there is great proviſion for War, (the like hath not bin known in Spain*) from whence the King is to have* 1000 *Tun of Wine and Vinegar; and likewiſe there is provided* 10000 *Barrels of ſmall Shot,* 10000 *Kintals of Pouder,* 60000 *Broaches or Bottles,* 60000 *Baskets for Pioneers, with an incredible Number of Spades, Shovels, Scroops, Mattocks, and all other Proviſion for Victuals, as alſo Wild-fire.*

There is alſo expected for this Expedition from *Dunkirk*, and other Places in the *Netherlands* under the King of *Spain*'s Dominions, great Aſſiſtance.

Prayers for the Souls of thoſe ſlain in the *Spaniſh* Armado.

About ten days after the Parliament met in *April*, Sheriff *Warner* informed the Speaker ſomething concerning the ſaid Armado, whereupon *Thomas Chude* and *John Clay* were called in to the Houſe of Commons, to teſtify touching a Book, entitled, *The Jubilee of Jeſuits.* And firſt, *Thomas Chude* declared, That he had one of thoſe Books in his Cuſtody, he had it from a Woman at *Redriff*, Wife to *Henry Cradwel*, a Cobler, whoſe Wife is a Papiſt; that he delivered the Book the ſame day he had it to the Sheriff of *London*, Sheriff *Warner*: In which Book was contained, *That the Papiſts ſhould fiſh in troubled Waters, whilſt the King was at War with the* Scots; with Prayers in it for the *holy Martyrs, that ſuffered in the Fleet ſent againſt Hereticks in* England, *Anno* 1639.

At *Whitehall*, *Octob.* 20. 1639.

Monies given to exempt Men from ſerving the King in this Expedition complained of.

'THis day a Letter of the fourth inſtant, from the Deputy-'Lieutenants of the County of *Devon*, was read at the Board, to-'gether with a Paper incloſed, containing the Names of ſome Perſons 'found to be Delinquents, for exacting Monies to exempt many of the 'Trained Men from ſerving of his Majeſty in the late Expedition. '*Degory Doole* of *North-Petherwin* ſaith, he gave nine Pounds and 'eighteen Shillings to Mr. *George Yeo*, the Captain's Brother, to be 'given to Sir *Lewis Polland*'s ſecond Son, to exempt him from his

'Ma-

15 *Caroli.*

'Majesty's Service; but he believes the Deputy Lieutenant knew 'nothing of it. *Thomas Jeffrey* of *Mankorkhampton* saith, he gave 'six Pounds to Mr. *Hugh Pollard*, Lieutenant, to have his Supply to 'be taken, and paid his Supply besides. *John Tellerd* of *Marlborough*, 'as did appear by examination, is guilty of Exaction of both the 'Sums, *viz.* eight Pounds and ten Shillings of *Edward Stretch*, and 'Fifteen Pounds of *John Avent*, both of the Parish of *South-milton*. 'Their Lordships upon consideration had thereof, did think fit and 'order, That his Majesty's Attorney General should be prayed and 'required to exhibit an Information in the Star-Chamber against the 'said Delinquents.

Writs to be issued for Ship-Money, and a List of the Ships.

Nov. 10. 'IT was this day resolved by his Majesty, with Advice of the 'Board, that there shall be issued Writs forthwith to all the Coun- 'ties of *England* and *Wales*, and to the Corporations within 'the same, for the setting forth and furnishing in warlike manner 'of Ships for the defence of the Realm, according to the List 'herewith sent; the said Ships to be ready at the same Rendez- 'vouz by the first of *April*; and the Time for the first Assessment 'to be within thirty days after the receipt of the Writs respectively. 'Whereof his Majesty's Attorney General is to take notice, and to 'prepare a Warrant ready for his Majesty's signature, directed to 'the Lord Keeper, to issue out the Writs accordingly. And a Mi- 'nute of Letters and Instructions is to be prepared for the expedition 'of this Service.

Distribution of Ships to the several Counties of *England* and *Wales*, with their Tunnage and number of Men, as the same was ordered to stand this present Year.

	Ships.	Men.	Tuns.
Berks	1	128	320
Buckingham	1	144	360
Bedford	1	096	240
Bristol	1	026	064
Cornwall	1	176	440
Cambridg	1	112	280
Cumberland and Westmorland	1	045	112
Chester	1	096	240
Devon	1	288	720
Darby	1	112	280
Dorset	1	160	400
Durelm	1	064	160
Essex	1	256	640
Glocester	1	176	440
Hampshire	1	192	480
Hereford	1	112	280

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	Ships.	Men.	Tuns.
Huntingdon	1	064	160
Hertford	1	128	320
Kent & Pors	1	256	640
Lancaſter	1	128	320
Leiceſter	1	144	360
Lincoln	1	256	640
London	2	448	1120
Middleſex	1	160	400
Monmouth	1	048	120
Northampton	1	192	480
Nottingham	1	112	280
Northumberland	1	068	168
North-Wales	1	128	320
Norfolk	1	253	624
Oxon	1	112	280
Rutland	1	026	064
Somerſet	1	256	640
Surrey	1	112	280
Suſſex	1	160	400
Suffolk	1	256	640
Stafford	1	096	240
South-Wales	1	160	400
Salop	1	144	360
Warwick	1	128	320
Worceſter	1	112	280
Wilts	1	224	560
York	2	384	960

The Cauſe between the Lord Deputy of Ireland, *and Lord* Loftus, *appointed to be heard.*

Nov. 12. 'THis day his Majeſty and the Board entered into the hearing of 'the Cauſes between the Lord *Deputy* and Council of *Ireland*, 'and the Lord *Chancellor* of that Kingdom. And his Majeſty's At- 'torney General having opened the General Charges againſt the ſaid 'Lord *Chancellor*; his Majeſty, with the Advice of the Board, pro- 'ceeded to the hearing of the Charge, expreſſed in the Order of the 'third of *November* laſt, concerning the Lord *Chancellor's* delivering 'of the *Negative Voice* of the Nobility, to the Contribution for the 'Army; which being done, and the Lord Chancellor's Counſel ſtill 'inſiſting, that the Cauſe of the Lord Chancellor's Appeal might be 'heard before the other Charges. The Lord Deputy, in the Name 'of himſelf, and of the Council of *Ireland*, humbly beſought his 'Majeſty, That the Lord Chancellor of *Ireland's* Counſel might have 'their Deſires. Whereupon the ſaid Cauſe was entred into, by reading 'of the Decree of the Lord Deputy & Council of *Ireland*; and Order 'was given that the ſaid Cauſe ſhould be proceeded in upon the 'grounds of Appeal, delivered by the Lord Chancellor. And *Tueſ-* 'day, at two after Dinner, the 19*th* of this Month, was appointed 'for the further hearing of the ſaid Cauſes, whereof all the Parties 'concerned therein are to take notice, and to prepare themſelves, with 'their Counſel, and to attend accordingly.

Letters

15 Caroli.

Letters of the Tenour following, were directed to the preſent Sheriffs of the ſeveral Counties under-named; and to the Sheriffs reſpectively, who had the charge to execute his Majeſty's Writs in the ſaid ſeveral Counties, for the Ship-Money in the Years hereafter written.

A Letter from the Lords of the Council to the reſpective Sheriffs, to pay in the Arrears of Ship-Mony for ſeveral years paſt.

WHereas upon examination of the Accounts of the Shipmony taken by us, in the preſence of his Majeſty, to be levied upon the Writs iſſued in the Years 1636, 1637, 1638; *notwithſtanding the continual calling upon you the Sheriffs of the former Years by this Board, by his Majeſty's ſpecial Command, it appeareth there is yet an Arrear upon you the Sheriff of that County, upon the Writ iſſued in the Year* 1636, *the Sum of and upon the Writ iſſued* 1636, *the Sum of and upon the Writ iſſued* 1638, *the Sum of We have therefore thought fit hereby, according to his Majeſty's ſpeciall Command, to require you the Sheriffs for the former Years, with all poſſible ſpeed, upon pain of his Majeſty's Diſpleaſure, and a ſevere Proceeding to be had againſt you, to pay in reſpectively to the Treaſurers of the Navy, ſo much of the ſaid Arrears as you have already Collected and not paid in. And to Aſſeſs, Levy, and Collect, by Diſtreſs or otherwiſe, according to the Tenour of the ſaid Writs iſſued in the ſaid former Years, the reſidue of the ſaid Arrears remaining unaſſeſſed, unlevied, or uncollected, and to pay in the ſame with all poſſible ſpeed reſpectively as aforeſaid. For which purpoſe we do Require and Authorize you, the preſent Sheriff, to give Warrant and Authority to you the Sheriffs of the former Years reſpectively, for the Aſſeſſing, Levying, and Collecting, as aforeſaid, of the ſaid Arrears. As alſo to give like Warrants and Authority to ſuch other meet Perſons, as you the Sheriffs for the former Years ſhall preſent reſpectively, and nominate unto you the preſent High Sheriff, either jointly or ſeverally, to be imploied in this Service, by you the Sheriffs of the former Years, (from whom only his Majeſty doth expect an Account thereof for your own time reſpectively). Of performance of all which, you, or either of you, may not fail, as you tender the good Opinion of his Majeſty and the Board, at your Perils. And you the Sheriffs for the former Years, are to collect and pay in, all the ſaid Arrears reſpectively, to the Treaſurer of the Navy, by the end of* Candlemaſs-*Term. Or elſe you (or as many of you as fail herein) are to attend his Majeſty and the Board, on the next* Sunday *after the Term, to give an account why the ſame is not levied and paid in. And ſo, &c.*

From *Whitehall* the laſt day of *November*, 1639.

Signed,

Lord Arch-Bp of *Canterbury*.
Lord *Keeper*.
Lord *Treaſurer*.
Lord *Privy-Seal*.
Earl of *Suffolk*.
Earl of *Dorſet*.
Earl of *Berkſhire*.
Lord *Goring*.
Lord *Cottington*.
Lord *Newburgh*.
Mr. *Treaſurer*.
Mr. Secretary *Cook*.
Mr. Secretary *Windebank*.

Arrears

An. 1639.

	Arrears, An. 1636. l.	s.	d.	Arrears, An. 1637. l.	s.	d.	Arrears. An. 1638. l.	s.	d.
Bedford	073	19	08	252	14	05	711	00	00
Glocester	250	00	00	337	00	00	323	00	00
Hertford	117	19	06	441	16	07	627	10	00
Hereford	074	13	00	1169	13	06	1150	00	00
Kent	200	00	00	771	07	06	336	11	04
Middlesex	488	00	00	858	06	07	468	00	00
Northampton	650	00	00	1793	01	06	838	13	03
Northumberl.	700	00	00	900	00	00	700	00	00
Oxon	484	11	06	683	01	00	700	00	00
Somerset	191	08	05	239	02	06	488	00	00
Surrey	255	06	00	252	16	03	414	00	00
Stafford	300	00	00	120	00	00	200	00	00
Salop	052	17	06	172	16	02	676	01	11
Warwick	484	00	00	800	00	00	780	00	00
Worcester	096	00	00	1070	00	00	710	00	00
Wilts	800	00	00	858	01	00	1500	00	00
Dorset	320	00	00	876	00	00	350	00	00
Buckingham	1080	00	00	854	15	00	355	04	09
Bristol City and County	233	08	06	100	00	00	000	00	00
Cambridg	000	00	00	140	00	00	150	00	00
Cumberland	000	00	00	054	00	00	300	00	00
Derby	000	00	00	106	00	00	270	00	00
Dureme	000	00	00	430	00	00	700	00	00
Esser	000	00	00	120	00	00	211	00	00
Huntington	000	00	00	084	15	00	271	00	00
Leicester	000	00	00	400	00	00	078	00	00
Lincoln	000	00	00	2622	05	01	797	00	00
Norfolk	000	00	00	078	02	11	150	00	00
Suffolk	000	00	00	075	12	10	621	15	00
Westmerland	000	00	00	240	00	00	300	00	00
Yorkshire	000	00	00	1237	15	06	510	00	00
Lancashire	000	00	00	172	10	00	000	00	00
Devon	000	00	00	742	00	00	000	00	00
Berkshire	000	00	00	000	00	00	620	00	00
Cornwall	000	00	00	000	00	00	383	00	00
Southampton	000	00	00	000	00	00	128	00	00
Nottingham	000	00	00	000	00	00	250	00	00
Pembroke	000	00	00	000	00	00	090	00	00
Denbigh	000	00	00	000	00	00	068	00	00
Flint	000	00	00	000	00	00	066	00	00
Carmarthen	000	00	00	000	00	00	301	00	00
Montgomery	000	00	00	064	00	00	322	00	00
Brecknock	000	00	00	054	00	00	161	00	00
Cardigan	000	00	00	294	00	00	124	00	00

Sir

15 *Caroli.*

Sir Thomas Roe *his Advice from beyond Seas to the King, to intercept* Leſley *and Ammunition, &c. coming to* Scotland.

Nov. 22.

'THe Scots-men that arrive in theſe Parts, ſpeak deſperately and traiterouſly, as if there were very ill Reſolutions fomented in 'that Kingdom. *Leſley* hath written to a Merchant in *Bremen*, his 'principal Correſpondent in theſe parts, that he will come thither in '*March* or *April* for ſome Buſineſs, and return with ſpeed. *Bremen* is 'the only reſort now of the *Scots*, and the only Port from whence 'they can ſecurely extract all kind of Arms and Munition. If his 'Majeſty could ſurpriſe him, I am perſwaded it would be a ſmart blow 'to behead a Faction, upon whom the Mutineers do ſo much rely. 'To this end, If a ſmall Ship were ſent betimes to ride in the River of '*Weſer* at *Geſſendorp*, or *Hanibrake*, two or three months, it would 'not be Charges loſt, and would terrify that Town. The Ship may 'be ſent out ſecretly, and the Captains Commiſſion, whither he ſhall 'go, be opened when he is at Sea; with Directions only to watch 'Ships bound from or to *Scotland*, and thus he may perhaps catch the 'Prey deſired. For there can be no advice of his being there in *Scot-*'*land* in a month at leaſt, and in the mean time he may hinder all 'Proviſions to be tranſported thither. But if that way ſhall be thought 'too open, his Majeſty may write an effectual Letter to the Arch-'Biſhop of *Bremen*, to Arreſt his Perſon in that Town, or within his 'Territory: And another to the King of *Denmark*, and Magiſtrates 'of this Town. *Leſley* being his Majeſty's Subject, I am perſwaded 'it cannot be denied, for I have ſeen the Example freſh in the *Palati-*'*nate*, at the Inſtance of the Duke of *Holſtein*. Theſe Letters may 'lie dormant in mine or Mr. *Averies* hands, to be uſed, if there be 'occaſion; if there be none, they may be returned without noiſe, ſo 'the Buſineſs be kept ſecret, which otherwiſe will but irritate, and do 'more harm than ſervice.

Afterwards General *Leſley*'s Siſter, and about fifteen Scotiſh Commanders, were taken at Sea, and brought Priſoners to *Berwick*; but a ſhort time after releaſed, and permitted to go into *Scotland*.

At *Whitehall*, *Novemb.* 26. 1639.

Preſent the King's Majeſty.

Concerning the Lord Vicount *Wentworth*, Lord Deputy of *Ireland*; and the Ld Chancellor of *Ireland*.

'HIs Majeſty having this day heard at the Board a long Debate, by 'Counſel on both ſides, concerning two other of the Charges 'ſent by the Lord Vicount *Wentworth*, Lord Deputy General of *Ire-*'*land*; and by the Privy-Council of that Kingdom, of ſundry Miſ-'demeanours and Irregularities committed by the Lord Vicount *Loſtus* 'of *Ely*, Lord Chancellor of *Ireland*, in his Place, *viz.* in the Cauſe 'concerning *Edward Jacob*, and in the Cauſe between Dr. *Medcalf* 'Plantiff, and *George Harpoole* and other Defendents, in the *Chancery* 'of *Ireland*: Wherein his Majeſty and the Board remain unſatisfied of 'the Clearneſs and Integrity of the ſaid Lord Chancellor's Proceedings.

And

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'And however the ſaid Lord Chancellor did allege, That he had not 'the Means to make Proofs on his ſide in the ſaid Cauſes; yet it 'did appear that the default thereof reſted wholly in himſelf. And 'his Majeſty and the Board being ſatisfied upon the ſeveral Hearings, 'that the ſaid Lord Chancellor is guilty of the delivery of the *Nega-* 'tive Voice of the Lords Refuſers to contribute for the maintenance 'of his Majeſty's Army in the time of the Lord Vicount *Falkland*, 'late Lord Deputy of *Ireland*, and finding it ſufficiently proved, That 'he did come out of *Ireland* before a legal Licence obtained, and 'contrary to that which he pretended himſelf to the ſaid Lord Depu- 'ty and Council, and was directed by his Majeſty, and did otherwiſe 'inſolently behave himſelf to the ſaid Lord Deputy and Council. 'His Majeſty did this day, upon all the aforeſaid Conſiderations, de- 'clare, with the unanimous advice of the whole Board, The ſaid Lord 'Vicount *Loftus* of *Ely*, to be unfit any longer to hold the place of 'Lord Chancellor of *Ireland*, being of ſo great Truſt and Importance 'for his Majeſty's Service, and the Quiet and Preſervation of his Sub- 'jects in that Kingdom. However his Majeſty did not think fit to 'proceed to any other Cenſure at this time againſt the ſaid Lord Vi- 'count *Loftus* of *Ely*, in regard he did allege he had made no Proofs 'on his part, though the Default were in himſelf; but doth leave the 'ſaid Charges, and ſuch other Charges as ſhall be thought fit to be 'proſecuted againſt him legally in the *Star-Chamber*, by his Majeſty's 'Attorney General.

Signed,

Lord Archbiſhop of *Canterbury*.
Lord Keeper.
Lord Treaſurer.
Lord Privy-Seal.
Lord Duke of *Lenox*.
Lord Marqueſs *Hamilton*.
Lord High Chamberlain.
Earl Marſhal.
Lord High Admiral.
Earl of *Holland*.
Earl of *Berks*.
Earl of *Morton*.
Lord *Goring*.
Lord *Cottington*.
Lord *Newburgh*.
Mr. Treaſurer.
Mr. Secretary *Cook*.
Mr. Secretary *Windebank*.

The Branch of a Letter from the Arch-Biſhop of Canterbury, *to Dr.* Hall *Biſhop of* Exeter, *dated at* Lambeth *the* 11*th of* November, 1639, *in Anſwer to the Biſhop of* Exeter's *Letter concerning Epiſcopacy.*

'THe reſt of your Lordſhip's Letter is fitter to be anſwered by 'my own Hand, and ſo you have it. And ſince you are pleaſed 'ſo worthily and Brother-like to acquaint me with the whole Plot of 'your intended Work, and to yield it up to my Cenſure and 'better Advice, (ſo you are pleaſed to write) I do not only 'thank you heartily for it, but ſhall in the ſame Brotherly way, and 'with equal freedom put ſome few Animadverſions, ſuch as occur on 'the ſuddain, to your further Conſideration, aiming at nothing but 'what you do, the Perfection of the Work in which ſo much is con- 'cerned. 'And

15 *Caroli.*

'And firſt for Mr. *George Graham*, I leave you free to work upon 'this Buſineſs and his Ignorance as you pleaſe, aſſuring my ſelf that 'you will not depart from the Gravity of your ſelf, or the Cauſe 'therein. Next, you ſay, in the firſt head, That Epiſcopacy is an 'Ancient, Holy, and Divine Inſtitution. It muſt needs be Ancient 'and Holy, if Divine: Would it not be more full, went it thus, So 'ancient as that it is of Divine Inſtitution? There you define Epiſ-'copacy by being joined with Imparity, and Superiority of Juriſdi-'ction. This ſeems ſhort: for every Arch-Preſbyter's or Arch-Deacon's 'Place is ſo; yea, and ſo was Mr. *Henderſon* in his Chair at *Glaſgow*: 'unleſs you will define it by a diſtinction of Order. I draw the Su-'periority not from that Juriſdiction which is attributed to Biſhops, '*Jure poſitivo*, in their Audience of Eccleſiaſtical Matters, but from 'that which is Intrinſical and Original in the Power of Excommuni-'cation. Again, you ſay, in that firſt Point, That where Epiſcopacy 'hath obtained, it cannot be abdicated without violation of God's 'Ordinance. This Propoſition I conceive, *eſt inter munis habentes*; 'for never was there any Church yet, where it hath not obtained 'the Chriſtian Faith; which was never yet planted any-where, but the 'very firſt Feature of the Body of a Church, was by, or with Epiſcopa-'cy: and whereſoever Epiſcopacy is not ſuffered to be, it is by ſuch 'an abdication; for certainly there it was *à Principio*. In your ſecond 'Head, you grant that the Preſbyterian Government may be of 'uſe, where Epiſcopacy may not be had. Firſt, I pray you, conſi-'der, whether this Conceſſion be not needleſs here, and in it ſelf of a 'dangerous Conſequence. Next, I conceive there is no place where 'Epiſcopacy may not be had, if there be a Church more than in title 'only. Thirdly, Since they challenge their Preſbyterian Fiction to be 'Chriſt's Kingdom and Ordinance, (as your ſelf expreſſeth it) and 'caſt but Epiſcopacy as oppoſite to it; we muſt not uſe any mincing 'terms, but unmask them plainly; nor ſhall I ever give way to ham-'per our ſelves for fear of ſpeaking plain Truth, though it be againſt '*Amſterdam* or *Geneva*, and thus muſt be ſadly thought on. Concer-'ning your *Poſtulata*, I ſhall pray you to allow me the like freedom, 'among which the two firſt are true, but (as expreſt) too reſtrictive. 'For Epiſcopacy is not ſo to be aſſerted to Apoſtolical Inſtitution, as 'to bar it from looking higher, and from fetching it materially and 'originally in the Ground and Intention of it, from Chriſt himſelf, 'though the Apoſtles formalized it. And here give me leave a lit-'tle to enlarge; The Adverſaries of Epiſcopacy are not only the fu-'rious and Aërian Heriticks, (out of which are now raiſed *Pryn*, '*Baſtwick*, and our Scotiſh Maſters) but ſome alſo of a milder and 'ſubtiler alloy, both in the *Geneva* and the *Roman* Faction. And it 'will become the Church of *England* ſo to vindicate it, againſt the 'furious *Puritans*, as that we lay it not open to be wounded by either 'of the other two more cunning and more learned Adverſaries: Not 'to the *Roman* Faction, for that will be content it ſhall be *Juris Di-'vini mediati*, by, from, for, and under the Pope, that ſo the Go-'vernment of the Church may be Monarchial in him; but not *imme-'diati*, which makes the Church *Ariſtocratical* in the Biſhops. This is 'the *Italian* Rock, not the *Genevean*, for that will not deny Epiſco-'pacy to be *Juris Divini*, ſo will take it, *ut ſuadentis vel approbantis*, 'but not *imperantis*; for then they may take leave as they will, which

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'is that they would be at. Nay (if I much forget it not) *Beza* 'himſelf is ſaid to have acknowledged Epiſcopacy to be *Juris Divini* 'imperantis, ſo you will not take it as *univerſaliter imperantis*, for then 'Geneva might eſcape, & *citra conſiderationem durationis*, for then 'though they had it before, yet now, upon wiſer thoughts, they 'may be without it; which *Scotland*, ſays now, and who will may 'ſay it after, if this be good Divinity; and then all in that time ſhall 'be Democratical. I am bold to add this, becauſe I find in your ſe-'cond *Poſtulatum*, that Epiſcopacy is directly commanded, but you go 'not ſo far as to meet with the ſubtilty of *Beza*, which is the great Rock 'in the Lake of *Geneva*. In your *9th Poſtulatum*, That the Acceſſion 'of Honourable Titles or Privileges makes no difference in the ſub-'ſtance of the Calling. If you mean the Titles of Arch-Biſhops, Pri-'mates, Metropolitans, Patriarks, &c. 'tis well; and I preſume you 'do ſo: But then in any caſe take heed you aſſert it ſo, as that the 'Faction lay not hold of it, as if the Biſhops were but the Title of 'Honour, and the ſame calling with a Prieſt, for that they all aim 'at, &c. The *11th Poſtulatum* is large, and I ſhall repeat it, becauſe 'I am ſure you retain a Copy of what you write to me, being the 'Ribs of your Work; nor ſhall I ſay more to it, than that it muſt be 'warily handled, for fear of a ſaucy Anſwer, which is more ready a 'great deal with them than a learned one. I preſume I am pardoned 'already for this freedom, by your ſubmiſſion of all to me; and now 'I heartily pray you be pleaſed to ſend me up (keeping a Copy to 'your ſelf againſt the Accidents of Carriage) not the whole Work 'together, but each particular Head, or *Poſtulatum*, as you finiſh it; 'that ſo we here may be the better able to conſider of it, and the 'Work come on the faſter. So to God's bleſſed protection.

Will. CANT.

This Letter was thus endorſed with the Arch-Biſhops own hand.

My Anſwer (*of* November 11. 1639.) *to the Heads of the Biſhop of* Exon's *Books intended for Epiſcopacy.*

A Letter

15 Caroli.

A Letter directed to our very good Lord the Earl of *Northumberland*, Lord High Admiral of *England*.

Lord Admiral to set forth 20 Ships.

WHereas it is his Majesty's Pleasure, That Twenty Ships and Pinnaces of his own, shall be this Year set forth for Guard of the Seas, and Defence of the Realm, over and above the Ships that are required to be set forth by the City of London. *We have thought good hereby, in his Majesty's Name, to pray and require your Lordship forthwith to take effectual Order for the present preparing, setting forth, and furnishing, in compleat and war-like manner, Twenty such Ships and Pinnaces of his Majesty's, as your Lordship shall think fittest, for eight Months Service at Sea; to be all ready to be put to Sea by the Tenth of* April *next, for the Service aforesaid. And for your Lordships so doing, this shall be your VVarrant. And so we bid your Lordship,* &c.

From the Court at *VVhitehall*, the 17*th* of *December* 1639.

Signed,

Lord Arch-Bishop of *Canterbury*.
Lord *Keeper*.
Lord *Treasurer*.
Lord *Privy-Seal*.
Lord Marques *Hamilton*.
Lord *Chamberlain*.
Earl of *Salisbury*.
Lord Vicount *VVentworth*.
Mr. Secretary *VVindebank*.

For the Right Honourable, *Philip* Earl of *Pembroke* and *Montgomery*, Lord Chamberlain of his Majesty's Houshold.

The Earl of *Rothes* his Letter to the Earl of *Pembroke*, and his Answer to the same.

My good Lord,

I Have large encouragement to use freedom, both from your own favours to me, and my affection to your Lordship, and so may expostulate with you, for withdrawing your wonted (and even lately expressed) respects at the Camp to this Nation. You found we had reason for our lawful Defence, and that we had loyal Hearts to our Prince, and Justice in our Desires; which moved you to plead for us, and so engaged the Affection of many to you. But sithence, when my Lord Traquair *made his Relation, that moved hard Conclusions against us, not requiring so much as that it should not obtain Truth to the prejudice of a Noble Nation, till we were heard; and agreeing that an Army should be levied, and lending Monies, hath much grieved us, to be disappointed of one we so much trusted. I have therefore been bold to entreat that we may keep better Correspondency, or else by mistake we may be brought again to begin a Mischief that will not end in our days. As we have formerly declined it, so shall it not be our fault. And it lies in your Lordship, and in other great Persons, to prevent these Evils. You have lived in all great Ease, Peace, and Plenty for many years, as any Nation in the World; and if you can like to interrupt your own Happiness for the pleasure of some Prelates, who will share little with the Hardships and Dangers that will be indured, you are not well advised. The Earl of* Dumfermling, *and Lord* Loudon, *are sent with a full in-*

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formation of our Buſineſs. They will wait upon your Lordſhip, and expect your wonted Aſſiſtance. They all (as much as may be) decline War, except you will now needs have it. We hope your Lordſhip and others will make uſe of theſe Reaſons for the right end, which will fix a great deal of Obligation from both Nations on you, and ſhall infinitely increaſe my reſpects, deſiring to continue,

Your Lordſhip's

Edenburg, Jan. 29. 1639.

moſt humble Servant,

ROTHES.

For the Right Honourable, the Earl of Rothes, theſe.

My good Lord,

THE Civilities and good Reſpects which I placed upon you, at the time of my being in the Camp, you ſtile Encouragements, and inſinuate them as Reaſons why you may expoſtulate with me. Your Premiſes I allow you, but your Inference I return you again, as fuller of Sophiſtry and mean Deſigns, than of Truth or Reaſon.

First, I never allowed your Defence lawfully undertaken, by other Arms than by Petitions and Prayers unto your Maſter. I never found Loyalty in your Covenant, nor Duty in your taking up Arms. I never affirmed the Juſtice of your Cauſe; neither did I conſider ſo much the Merit thereof, as your unwarrantable and tumultuous diſobedience therein unto the King, with the Vexation and Diſturbance it brought upon the Nobility of this Kingdom. Neither was I in all this Commotion your Advocate for other reaſons, than ſuffering my ſelf to become a Mediator to his Majeſty for your Peace and Forgiveneſs, moved thereunto by your frequent Proteſtations of paying all Duty and Loyalty to your Maſter's Commands.

If from hence you haply gained from me an eaſier Credulity, than your maſk'd Deſigns deſerved at my hands, I know not why you ſhould obtrude on me an Alteration of my Opinion, or a withdrawing of my (but conditional) Reſpects from you. Thus far an Anſwer to what concerns me.

And now, as a Counſellor of England, let me be bold to expoſtulate with you upon that which follows in your Letters.

How cometh it to paſs that you ſhould upbraid us, or expect from us, that we ſhould not give credit to my Lord Traquair's Relation; that we did not mediate with the King, to change his Reſolution of ſending forth an Army; and that we did not deny the King Loans of Money for his Service?

My Lord, Theſe Enforcements perhaps as little become you, as it is certainly unlawful and undutiful in the Subjects of England to diſpute it with their King. You may pretend Religion to be the ſole Cauſe of your Grievance; but we believe it a woful Religion here, that hath thus deveſted it ſelf of all Moral Duty and Civility. Nay, you go further, you threaten and fear us with a Miſchief that will not end in our days; and boldly make it your own Act, to have declined it hitherto, without Obligation to the King's Mercy at all. You tell us of Plenty, and Eaſe, and Happineſs for many years enjoyed, and wonder we ſhould expoſe all thoſe to hazard for the pleaſure of ſome few Prelates.

My

15 Caroli.

My Lord, Theſe are Arguments for common People, and Men of broken Fancies to feed upon; but ſuch Suggeſtions will not find nor make a a Party here. Perhaps it may blow them into a Flame, whoſe Zeal already hath burnt up their Duty and conſcionable Allegiance unto their Maſter.

To be ſhort, as I never had a Correſpondency of Buſineſs with your Lordſhip, ſo your Letters have aſſured me it is dangerous to begin it. Yet for the Peace of both the Churches and Kingdoms, I will adventure to give you this Intelligence, That we have not (in our Council here) proceeded againſt you without deliberation, a good Conſcience, and a juſt ſence of Honour. Neither ſhall I, or any of us, be entreated or feared by you, or any of you, for contributing our Aſſents or Fortunes thereunto, but as our Maſter ſhall command us.

Laſtly, Know you, my Lord of Rothes, *that the return of my old Friendſhip to you is to be expected, when I ſhall hear of your Renovation. Be ſimple* my Lord Rothes, *and not a* Covenanter, *and I ſhall be the ſame.*

Whitehall, *March* 8*th.* 1679. P. & M.

This day Alderman *Garroway*, Lord-Mayor of *London*, together with both the Sheriffs and Recorder, attended at the Council-Board, his Majeſty being preſent in Council. It was demanded of them, whether the City deſired to proceed, and furniſh out a Ship of their own, for his Majeſty's Service, in defence of the Realm, in ſuch manner and equippage, as by his Majeſty's Writ directed to them in that behalf as was required? Or whether they rather deſired to levy, and pay unto the Treaſurer of the Navy, the Sum required by the Inſtructions ſent them with the ſaid Writ? But the Lord Mayor and Sheriffs humbly prayed, that his Majeſty would be pleaſed to cauſe a Ship of his own to be provided and imployed for the ſaid Service. Which favour deſired, his Majeſty was pleaſed to grant; and they undertook, that with all ſpeed they would levy and pay in the Money to the Treaſurer of the Navy, required by the ſaid Writ.

Sir John Finch, *Knight, Lord Keeper of the Great Seal of* England, *his Speech in the Delivery of his Charge to all the Judges of the Kingdom, in the* Star-Chamber, Feb. 13. 1639. *by command from his Majeſty.*

My Lords the Judges,

'THe Term is now done, the Houſe of Juſtice is broken up, yet 'Juſtice goes not from us; for ſuch is the Wiſdom and Good-'neſs of his Majeſty, that all his Subjects may have Juſtice adminiſtred 'unto them in certainty, and with eaſe and equality. In Term-time 'they know where to find Juſtice; in the Circuits Juſtice findeth 'out them.

'Your Lordſhips may know the great Truſt, Power, and Au-'thority, that is committed unto you; how the ancient and excellent 'Inſtitution of Juſtice in Eyre is tranſmigrated into you; and it is a 'thing

Lord Keeper *Finch* his Speech to the Judges, to promote Ship-money in their Circuits.

An. 1639. 'thing will well become your Lordships, to uphold the Dignity of 'your Places, and to preserve that due respect and reverence that is 'owing unto you by virtue of your Places. It is Stoutness and Cou- 'rage, and Magnanimity, that becomes a Magistrate, nay, should I 'say Severity, I should agree with the saying of the Orator.

'There are some that affect Popularity, diving into the Peoples 'Hearts with kisses, offerings, and fawnings. This becomes no sub- 'ordinate Magistrate. It is your part, my Lords, to break the Inso- 'lencies of such — before it approach too near the Royal Throne. 'And you cannot too much uphold that Reverence and Respect that 'is owing to your Places upon the Bench; when you shall give 'an account of such as these that misbehave themselves, you, my 'Lords the Judges, shall quickly see the Commission shall not be trou- 'bled with them. The Officers, and all other Ministers of Justice, 'are to attend you to this like purpose, to receive Information from 'you. You shall do well to look to them, that they do not 'oppress the People by unjust exaction and extortion; let them be 'careful to look to the execution of Justice, for Execution is the Life 'of the Law; for whosoever by wilfulness or negligence suffereth not 'the Law to be put in execution, doth as much as in him lieth wound 'the Law in the Life thereof. Sometimes Sheriffs and Under-Sheriffs 'can hardly be got to execute any Process at all, or Extents, or *Cap.* '*Utlagatum.* They will look through their Fingers, and see when and 'whom they please, sometime for reward, partiality, and affection, or 'fear of offending Great Ones, or offending a Multitude. For this 'they have no Plea; for in Law I am sure it was never known, that 'it was admitted in Court of Justice for a good Return, that a Sheriff 'could not execute a Writ, he having *Posse Comitatus* at his Command 'to assist him, to the end that the Law may not be fruitless, and like a 'dead Letter, but that vigor may be given unto it.

'While I am speaking of this, I cannot forget to put you in mind 'of one Particular at least, if I may call it a Particular that doth con- 'cern the general Safety and Preservation of the whole Kingdom. His 'Majesty ever since his happy access to this Crown, hath had a vigilant 'eye of our Neighbour's Estates, and taken into his Princely Conside- 'ration, out of the affection and love to his People, and tender care 'of their Preservation, and the Safety of this Kingdom, how active 'the times are; what preparation is made round about us; what en- 'deavours there are to encrease their Naval Powers in other Nations. 'It is known well, that the right of the Dominion of the Narrow- 'Seas belong unto the King, and it hath been his Majesty's gracious 'Wisdom, and Providence, and Care over us, that these Storms have 'been prevented, that perhaps had fallen upon us before we could 'have discerned them. The King hath many eyes, many ears, and 'many hands; and it is impossible for every Man to attain to that 'knowledg of Foreign States that He hath. And I will be bold to 'say, it is a base and unworthy part to suffer it to enter into the heart 'of any Man, that we the Subjects of *England*, that have so just, gra- 'cious, and pious a King, to imagin, that unless urgent Necessity did 'require, that his Majesty would charge himself and his Subjects with- 'out cause. All the World knoweth he reapeth no benefit by it, and 'certainly it is a malignant humor to think the contrary. The Rega- 'lity of it hath been already determined, upon as great, a solid and

'weighty

15 *Caroli.*

'weighty Debate, as ever was in any Cauſe in *Weſtminſter-Hall*: It 'was his Majeſty's goodneſs to have it ſo. And yet I know not how 'it comes about, I hope it is out of miſapprehenſion, or falſe intima- 'tion put into the hearts of his People, that there is not alacrity and 'cheerfulneſs given to the obedience of his Majeſty's Writs for Ship- 'money, that his affection and care of his People doth require. God 'forbid we ſhould ſtay for proviſion of Naval Power, till our Ene- 'mies be floating upon us. Let them look to their Duties, I doubt 'not your Lordſhips will look to ſee that there be obedience given, 'and that thoſe Officers that do neglect their Duties, may be brought to 'account, that they may know what the diſpleaſure is to diſobey his 'Majeſty's Commands.

'I ſhall not trouble your Lordſhips with many particulars, your 'Lordſhips better know them than I can tell you: yet ſomething I have 'in command from his Majeſty.

'His Majeſty (as all that know him) is the great example of Pie- 'ty, and of one that daily frequents the Houſe of God, as any Prince 'in the World; he doth inſtruct his own People his own way, and 'commands your care to put that Law in execution, that muſt bring 'Men to God's Houſe; and when they are there, they ſhall learn to 'obey the Law for Conſcience-ſake, and not for by-reſpects. You 'know well that we have two kinds of Oppoſers of Religion, as it 'ſtandeth, and againſt them it is fit you bend your Forces, and your 'Authority. And certainly, when we do conſider that for theſe eigh- 'ty years and upwards, we have enjoyed ſuch Plenty and Peace, as 'no Nation hath had the like; what can we better attribute it unto, 'than the flouriſhing of the Goſpel among us? And if we ſhall neg- 'lect that great Bleſſing, all other Bleſſings will quickly turn into 'Curſes.

'The Popiſh Recuſants begin to increaſe, his Majeſty taketh notice 'of it, he doubteth that there hath not that particular care been ta- 'ken, in looking to them in all places of the Kingdom, as is fit; your 'Lordſhips attend Civil Cauſes more than that; he commends it to 'your care, that if it be ſo now, it be ſo no more. The Book of 'Common-Prayer ſetteth forth the Rights and Ceremonies, eſtabliſhing 'the Doctrine of the Church of *England*, to which no juſt exception 'can be taken; for God loveth not to have his Houſe empty or waſte. 'Some, out of what humor I know not, will ſcarce admit of any 'Church at all. I wonder under what ſhow of Religion they can 'ſhew themſelves, when this Book was penned by thoſe that ſhed 'their Blood, and ſealed it with their Lives.

'My Lords, in the next place his Majeſty hath commanded me to 'put you in mind of the great abuſe that is in this Kingdom, by the 'ſwarming of Rogues, that hath been ſo often commended unto you, 'Your Lordſhips ſhall do well to take courſe for the ſuppreſſing and 'preventing thereof; and that Men of body and mind may be choſen 'Conſtables to execute their places. One great cauſe of their increaſe 'is, that the Houſes of Correction, which is the place of their Retreat, 'are no better looked unto. Your Lordſhips ſhall do a great ſervice 'to the Common-wealth, to take care that there be ſtricter Courſe 'taken of the Houſes of Correction, that they may be placed neat 'unto the Goal.

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'Another thing is, The exceſs of Ale-houſes, the Nurſery of 'Rogues; in that your Lordſhips ſhall do well to take a ſtrict account 'of them in all Places, for the very Number is a Crime.

'In the third place, The increaſe of Rogues is, by reaſon of their 'not putting out of Apprentices, the Seed-Plot of Rogues groweth 'from thence; your Lordſhips care in this alſo will be very neceſ-'ſary.

'My Lords, I have nothing more to ſay, your Lordſhips are ſo 'well verſed in every thing fit to be given in Charge, that I might 'be ſilent.

'I ſhall only conclude with one thing, which is a thing that hath 'bin by the Lords of this Court commended to your care, upon a 'Cauſe that hath bin here heard; The Court for Sheriffs of Coun-'ties, it is not at their Will and Pleaſure, or for their own Vanity 'and Oſtentation that they are to conduct you, but it is out of their 'Duty; and when the Diſcretion, and generous Diſpoſition of any, 'ſhall not teach them how to do it, it is fit for you to call them to 'account.

'Juſtices of the Peace, you ſhall have of them that will the firſt 'day attend you for an hour or two, perhaps to ſave a Fine, perhaps to 'ſhew their Country they are in Commiſſion of the Peace: Emptineſs 'becomes not the Seat of Juſtice, therefore hold them to their Duty 'to attend you all the time of the Aſſizes, and not to depart without 'your Licence.

'The King our Maſter doth as well know Men as any Prince in the 'World, but it is impoſſible for him to know all; you are the great 'Surveyors of the Kingdom, for this purpoſe it is that all Officers 'and Miniſters of Juſtice are commanded to attend you, to inform 'you of ſuch as you ſhould have knowledg of, that you may inform 'his Majeſty of them. I have obſerved (while I had the Honour to 'be Chief Juſtice of the *Common-Pleas*) that few gave their Atten-'dance; what humour they are of that think themſelves too good to 'ſerve the King I know not, but let them know that it is in no Man's 'choice whether he will ſerve the King in the Miniſtry of Juſtice or no. 'Thoſe that are backward, or have not taken it, give up the Names of 'them, that they may ſee what puniſhment they ſhall undergo.

'There are ſome other Juſtices of Peace that are put in Commiſ-'ſion, to injure their Neighbours, and to domineer over them, and 'to carry things with a Faction. But upon your intimation of ſuch 'Perſons, the Commiſſion ſhall be eaſed of them alſo.

Warrant for a Commiſſion for the Earl of *Northumberland* to be Lord Admiral, and Captain of the King's Army.

TWo Duplicates of a Commiſsion, appointing Algernoun Earl of Northumberland, Lord High Admiral of England, Captain General of his Majeſty's Army to be raiſed in England and Wales, and of Men to be Levied there, or to be joined to or with them. And he is to imploy and diſpoſe the Army for Defences, or otherwiſe, as are or ſhall be directed by his Majeſty's Inſtructions, &c.

14 die Februarii, Anno Regni Caroli quintodecimo.

Per ipſum Regem.
J. F. C. S.

15 *Caroli.*

The Effect of the Earl of *Northumberland*'s Commission.

Feb. 14.

THe King's Majesty reposing special Trust and Confidence in the approved Wisdom, Fidelity, Valour, and great Abilities of Algernon Earl of Northumberland, did by his Letters Patents grant a Commission to the said Algernon Earl of Northumberland, Lord High Admiral of England, to be Captain General of his Army, intended to be forthwith raised, and of all other Forces that should be raised in England and Wales, joined, or to be joined with them, to resist and withstand all Invasions, Tumults, Seditions, Conspiracies, or Attempts that may happen within England or Wales, to be made against the King's Person, Crown and Dignity. And also to lead the said Army into the Kingdom of Scotland, there to Invade, Assault, Repel, Resist, Fight with, Subdue, Slay, or Kill, all, every, or any Enemies or Rebels against the King, of what Nation soever, that in Scotland, or any part thereof, shall make any Insurrection, Sedition, Tumult, or Conspiracy whatsoever, against the King, his Crown and Dignity. And the said Army to Govern and Conduct, against all and singular Enemies, Rebels, Traytors, and all other attempting any thing against the King, within either of the said Kingdoms; and with the said Enemies, Rebels, Traytors, &c. to Fight, and them to Invade, Resist, Repress, Pursue, and Follow, and to Subdue, Slay, and Kill, and to do all other acts and things which shall be in his discretion requisite, for government of the said Army, and for the suppressing and subduing of the said Rebels and Traitors, &c. and to exercise upon them Martial Law, according to his discretion, as Captain General; and to put execution of Death, or otherwise to punish such, or so many of them, as he shall think meet by his discretion; and to tender Mercy and Pardon to all such Enemies, &c. in either of the said Kingdoms, as shall submit and desire to be received to Mercy. And the King, by the said Commission, doth promise that such Persons shall accordingly enjoy his Grace, Mercy, and Pardon: And in case of Invasion of Enemies, Insurrections, &c. in any of the said Kingdoms, that the said Captain General do resist and repress the same by Battel, or other kind of Force; giving him Power to grant Warrants and Commissions to Lieutenants, and Deputy-Lieutenants, to raise such Horse and Foot to join with the Army, as he in his discretion shall think fit. And for the encouragement of fit and deserving Persons, the King, by the said Letters Patents, did give full Power and Authority to make Knights, and reward with the Honour of Knighthood, such as in his discretion shall deserve the same in the said Service, and to assign them Arms, and Enlighs of Arms, as he shall think meet, and as to the Estate of Captain General appertaineth; giving him Power to Command all Garisons, Forts, and Castles in England and Scotland, and to place or displace any Captain or other Officer, as he shall see cause. And lastly, The King by the said Letters Patents, doth command all Lieutenants of Counties, Dukes, Marquesses, Earls, Vicounts, Barons, Baronets, Sheriffs, and all other Officers and Subjects of what degree soever, that they, with their Power and Servants, from time to time, as they shall be com-

An. 1639. manded by the Captain General of the Army, to be Attendant, Aiding and Aſsiſting in the due execution thereof, as they ſhall anſwer it at their Peril; and the ſaid Army to be governed according to the ſaid Commiſsion, or by ſuch Inſtructions as the King hath delivered under his Sign Manual, or ſhall be hereafter directed under the ſaid Sign Manual, Signet, Privy-Seal, or Great Seal.

Afterwards a Commiſsion was granted to *Thomas* Lord Vicount *Wentworth*, Lord Lieutenant of *Ireland*, to be Lieutenant General to the Earl of *Northumberland*; who by reaſon of the Earl of *Northumberland*'s ſickneſs at that time, had the ſole Conduct of the Army till the Fight at *Newbourn*; and whilſt the great Council of Peers continued at *York*, and till *Novemb.* 11. when he came to *London*, and was ſuddenly impeached of High-Treaſon.

Mr Bagſhaw, *Reader of the* Middle-Temple *in Lent Vacation, his Caſe argued.*

'IN the Month of *February*, in the time of *Lent*, Mr. *Bagſhaw*, Reader of the *Middle-Temple*, made choice of the Statute of 25 *Ed.* '3. *Cap.* 7. upon which he did read; and divided his Matter into ſeveral Parts, allotting a Caſe for every day on which he was to Read. 'Among which Caſes ſo divided, being ſeven in all, one Queſtion 'was, Whether or no it be a good Act of Parliament, without Aſſent of the Lord's Spiritual? Which he held in the Affirmative, and 'proved, That ſome Parliaments were held without any Biſhops at 'all; and that divers Acts have bin made when they were preſent, 'and would not conſent. And laſtly, That the Biſhops cannot ſit in 'in Caſe of Blood in Judicature; but they may ſit to aſſiſt to Enact 'Laws, but not to give Aſſent for Execution of them in Caſe of any 'Blood.

'Out of his ſecond Caſe this Queſtion did ariſe, Whether any Be-'neficed Clerk were capable of Temporal Juriſdiction at the time of 'making that Law? Which he held in the Negative; for the firſt that 'ever were made Juſtices of Peace, or had Power in Temporal Ju-'riſdictions, were the Biſhops of *Durham* and *York*, nine Years after 'the ſaid Act.

'But the Reader had no ſooner made known upon what Statute he 'would read, in his ſaid previous Diſcourſe which he made unto the 'Bench, the firſt day when he began to read thereupon; but it was 'preſently carried to *Lambeth*-Houſe, and the Biſhop of *Canterbury* 'made acquainted upon what Points the Reader would inſiſt. The 'King thereupon ſent a Command unto him to forbear his Reading at 'that time. And the Reader was privately told, unleſs he did repair 'to the Arch-Biſhop of *Canterbury* and give him ſatisfaction, he was 'not like to proceed. The *Reader* accordingly repaired to *Lambeth*-'Houſe, and at the third time he had admittance. The Arch-Biſhop 'told him, That he had fallen upon an unfit Subject, and in an un-'ſeaſonable Time, and that it would ſtick cloſer to him than he was 'aware of.

'To which the *Reader* replied, He had made choice of that Statute 'ſome years ſince, to prepare himſelf againſt the time of his Reading, 'and

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'and that at that time there was no oppoſiton in this Kingdom againſt 'the Prelacy; and what was done in another Kingdom as to Biſhops, 'concerned not this Kingdom; and further ſaid, That what he had 'delivered was good Law, and he was able to maintain it, and would 'ſtand by it; and he had much wronged the Houſe of the *Middle-* 'Temple, if he had not, according to his Turn and Cuſtom, began his 'Reading, which was very chargeable to the Reader. But he could 'obtain no leave to proceed further in the Argument of his Caſes of 'Law.

'Nevertheleſs the Gentlemen of the *Inns of Court* of the *Middle-* 'Temple, ſhewed their reſpect unto him for his willingneſs to read Law 'unto them, having alſo Read well in the Kitchin, feaſting the Houſe 'during the time he ſtaid (though a ſilenced Reader) and rid on 'Horſe-back with him, and attended him gracefully out of Town.

Lord *William Hamilton* made Secretary of State for *Scotland.*

In this month of *February* the Earl of *Sterling*, Secretary of State, died; in whoſe place the King made choice of Marqueſs *Hamilton's* Brother, Lord *William*, whom he created Earl of *Lanerick*, who was then but 24 Years of Age, yet well qualified, and of good Parts.

Ship-Money preſented by the Grand Jury as a Grievance.

'THis day a Letter from Sir *Chriſtopher Yelverton*, High-Sheriff of the 'County of *Northampton*, with a Paper encloſed, being a Copy under 'the Hand of the Clerk of the *Peace*, of a Preſentment made by the 'Grand Jury at a Quarter-Seſſions concerning the *Ship-Mony*, were 'read at the Board, and then delivered to Mr. Attorney-General; and 'it was ordered, that he and Mr. Solicitor ſhould call before them the 'Clerk of the Peace, and the Fore-man of the ſaid Grand-Jury, and 'ſhould examine all ſuch Particulars concerning the Carriage of this 'Buſineſs, as they ſhould think fit, and thereupon report the ſame, to- 'gether with their Opinions, to the Board.

A Letter directed to the Lord Lieutenants of *Surrey.*

Concerning the Mutineers in the *King's Bench.*

AFter, &c. *to your Lorſhips. Whereas we are informed by Sir* John Lenthal *Knight, Marſhal of the* King's Bench, *That the Priſoners under his charge, within that Priſon, are now, and have bin all laſt night, in an Uproar and Mutiny, and have gotten to themſelves divers Staves and Cudgels, and have broken up the Pavements of the Priſon, and have furniſhed and armed themſelves with Stones and Brick-bats, and do threaten to force and break open the Priſon. Theſe are therefore to pray and require your Lordſhips, the Lords Lieutenants of the County of* Surrey, *or one of you, to give preſent Order and Command to the Captains of the Trained Bands, within the Burrough of* Southwark, *to repair with their Officers and Souldiers preſently to the ſaid Priſon, and to ſuppreſs the ſaid Mutineers, and to keep them in quiet from time to time, until the Judg of the* King's Bench *ſhall return to take Order about their pretended Grievances. And ſo, &c. dated the 11th of* March, *1639.*

Signed,

Lord Arch-Biſhop of *Canterbury.*	Earl of *Dorſet.*
Lord *Treaſurer.*	Lord *Cottington.*
Marqueſs *Hamilton.*	Mr. *Treaſurer.*
Lord *High Admiral.*	Mr. Secretary *Windebank.*

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A Letter to Sir Chriſtopher Yelverton, *concerning Ship-Money, from the Privy-Council.*

WE have had the patience to read your tedious Letter of the 18*th of* February, *wherein with much affectation you repreſent the Difficulties which you find in the execution of the King's Writ for the Shipping-Buſineſs; and yet there is none of the Difficulties for which you have not already received direction how to proceed by your Inſtructions. We have conſidered of the Petition of the Grand Jury, very officiouſly by you ſent up, atteſted under the Hand of the Clerk of the Peace. And upon the whole we make this Judgment, That inſtead of doing your duty in executing of the Writ, you endeavour to prepare a way for an excuſe for doing nothing. Otherwiſe why ſhould you make a Doubt by a Parentheſis, (if Ship-money be excepted againſt): for we muſt let you know, We expect that you ſhould perform the Service according to the Writ, and the Inſtructions ſent therewith; and in caſe you neglect it, and ſo be the cauſe (for ſo much as concerns that County) that the King ſhall ſuffer in point of State and Honour, and of the ſafety of his People, that there will be a quick and exemplary reparation required of you, in proportion to the dangerous Conſequence of your neglect. And as we now give you this Admonition, ſo if you do not make uſe thereof by redeeming your former Default, not by Diſcourſes, but by Effects, this will likewiſe be added to your account. And ſo,* &c. *Dated at* Whitehall *the* 11*th of* March, 1639.

Signed,

Lord Arch-Bp of *Canterbury.*	Earl of *Traquair.*
Lord *Keeper.*	Lord *Goring.*
Lord *Treaſurer.*	Lord *Cottington.*
Lord *Chamberlain.*	Lord *Newburgh.*
Earl of *Holland.*	Mr. *Treaſurer.*

The Proceedings of the Scots Commiſſioners, ſent from the Parliament of Scotland, *with the King's Majeſty at* Whitehall.

'SO ſoon as our Commiſſioners got preſence, and had the honour 'to kiſs his Majeſty's Hand, they did in all humility repreſent to 'his Majeſty how grievous it was to his Subjects of that of his An-'cient and Native Kingdom that their Loyalty ſhould be call'd in 'Queſtion, or that their Proceedings ſhould be traduced as trenching 'upon his Majeſty's Authority, or as contrary to the Laws; and cra-'ved a publick hearing before his Majeſty's Council of both King-'doms, for clearing the lawfulneſs of their Proceedings, and vindi-'cating them from the unjuſt Aſperſions laid upon them by ſiniſter in-'formation, and that relation publickly made by the Earl of *Traquair*, 'before the whole Council of *England*, to their prejudice; and did 'likewiſe deliver to his Majeſty a Thankſgiving from the General Aſ-'ſembly, containing in it a Supplication for Ratifying the Concluſi-'ons thereof. This Speech was delivered upon the 20*th* of *Februa-'ry*, (Engliſh-ſtyle) 1639. 'The

'The King hereupon commanded, That whatſoever they had to 'Remonſtrate or Petition to him, they ſhould preſent the ſame to him 'in Writing, and that he would ſignify his Pleaſure to them by the 'Earl of *Traquair*; whereupon they gave a Remonſtrance or Supplication following.

'Upon the 26*th* of *February*, the Earl of *Traquair* did ſhew our 'Commiſſioners, That it was his Majeſty's Pleaſure, that they ſhould 'ſubſcribe the two former Petitions, given in the 20*th* day by them 'to his Majeſty, and that they ſhould keep the ſame way thereafter in 'all Petitions that ſhould be preſented by them to his Majeſty; which 'accordingly they did. And they required the Earl of *Traquair* to 'write and ſubſcribe any Direction or Commandment he brought from 'the King to them; which he did.

'Upon the ſecond of *March*, the Earl of *Traquair* did ſignify to 'them, under his Hand, That it was his Majeſty's Pleaſure that they 'ſhould attend at the Council-Chamber the next day, at two of the 'Clock in the Afternoon, ſuch Lords of the Council as his Majeſty 'had appointed for that effect. And our Commiſſioners underſtanding that the King was going to *Hampton-Court*, and that the Hearing 'he had appointed for them, was only before ſome of his Council, 'ſpecially ſelected and appointed as a Committee for that purpoſe; 'but being enjoined by their Inſtructions, not to anſwer or acknowledg any Committee, nor other Judicatory; they deſired the Marqueſs of *Hamilton* to ſhew his Majeſty, that they would decline to 'propone their Deſires and Reaſons of their Demands, or make anſwer to the Committee, or any other whatſoever, except the King 'their Maſter, to whom they were ſent. Which being made known 'to his Majeſty, he was graciouſly pleaſed to delay his going to '*Hampton-Court* till the Afternoon, and did hear our Commiſſioners 'himſelf: In whoſe Royal Preſence and Audience (his Majeſty having 'his Committee with him) our Commiſſioners did clear us and our 'Proceedings from thoſe unjuſt Aſperſions laid upon us, and did ſhew 'what high eſtimation we had of Soveraignty, and our conſtant Reſolution to ſtand to the Defence of our Religion. And that our 'Deſires, both in Matter and Manner, are no other but what we did 'crave in our former Petitions, and are neceſſary for eſtabliſhing of 'Religion, and the good Peace of the Kingdom, and are agreeable 'to the Fundamental Laws, and Laudable Practices thereof, and to 'the Articles of Pacification, without wronging the Kirk or State, 'or any ways trenching upon his Majeſty's Princely Power and Royal 'Authority: And did therefore crave, that He would be graciouſly 'pleaſed to command the Parliament to proceed and determine for 'Ratifying of the Concluſions of the Aſſembly, and Enact ſuch other 'Statutes as are neceſſary for eſtabliſhing Religion, and ſetling the 'Peace of the Kingdom, as their Speech then ſpoken (*and afterwards* 'given in Writing,) doth import, as followeth.

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The Speech made to the King by the Lord Loudon.

SIR,

'AS we did ſhow in that humble *Remonſtrance* which we gave to 'your Majeſty in Writ, That no earthly Thing could be more 'grievous to your Majeſty's Subjects, convened by your Royal Au- 'thority in the Parliament of *Scotland*, than that their Loyalty ſhould 'be call'd in queſtion, or any ſuch hard Impreſſions ſhould be given 'againſt their Proceedings, as might derogate from that high eſtima- 'tion which they have of Soveraignty, and the tender reſpect they 'carry to your Majeſty's inviolable Authority: So do we acknow- 'ledg your Majeſty's Goodneſs and Juſtice, in keeping one Ear for us 'againſt all Suggeſtions and Obloquies, till the Reaſons of our Pro- 'ceedings and Demands were made known from our ſelves; And 'that your Majeſty is graciouſly pleaſed to grant us this favour, of a 'full and publick Hearing. But becauſe the Parliament of that your 'Majeſty's Ancient and Native Kingdom, is Independent, and not ac- 'countable to any other Judicature, we hope your Majeſty will pardon, 'and allow us to decline to ſpeak, or anſwer before any of your 'Majeſty's Council, or other Judicatures whatſoever, as thoſe who 'have not any Power to judg of the Laws, Actions, or Proceedings of 'the Parliament of that Kingdom. And as we acknowledg your Majeſty's 'favour in allowing us to tender the Liberties and Freedom of your 'Majeſty's Ancient and Native Kingdom; ſo are we glad before all 'the World, to clear the loyalty and lawfulneſs of their Proceedings, 'and do congratulate that your Majeſty hath Indicted a Parliament 'here, which we hope will advert to the good of Religion, your Ma- 'jeſty's Honour, and Peace of your Dominions: Albeit they be not 'Judges to determine of our Actions, (which are ſuch, as when they 'ſhall be known to your Majeſty, not upon Report, but upon true 'Trial, we are moſt confident will merit approbation at the Throne 'of your Majeſty's Juſtice): But becauſe we hear that your Majeſty's 'good Subjects are traduced, as having intention to diminiſh your 'Majeſty's Authority, and ſhake off that civil and dutiful Obedience 'due to Soveraignty: Therefore before we deſcend to the particular 'Actions and Articles of the Parliament, for vindicating us from 'ſo grievous and foul an Imputation, we do in our Name, and 'in the Name of the Parliament that ſent us, declare before God and 'the World, That we never had nor have any ſuch thought of with- 'drawing our ſelves from that humble and dutiful Subjection and 'Obedience to your Majeſty and your Government, which by the 'Deſcent and Raign, of ſo many Kings is due to your Majeſty; and 'never had nor have any intent or deſire to attempt any thing that may 'tend to the diminiſhing of your Majeſty's Princely Power; but on the 'contrary, we acknowledg our Quietneſs, Stability, and Happineſs, 'to depend upon the ſafety of your Majeſty's Perſon, and mainte- 'nance of your Greatneſs and Royal Authority, as God's Vicegerent 'ſet over us for maintenance of Religion, and Adminiſtration of Ju- 'ſtice; and have ſolemnly ſworn, not only to ſtand to the Defence 'of your Majeſty's Perſon and Authority in the preſervation and

'defence

Caroli 15.

'defence of Religion, Liberties, and Laws of the Kirk and Kingdom; 'but alſo in every Cauſe which may concern your Majeſty's Honour, 'ſhall according to the Laws of the Kingdom, and duty of good Sub-'jects, concur with our Friends, in quiet manner, or in Arms, as we 'ſhall be required. But if any be ſo wicked, as to ſeek occaſion to 'divide betwixt your Majeſty and your Kingdom, and for their own 'ends go about to proſtitute the purity of Religion, and the Liberties 'and Laws of that your Majeſty's Ancient and Native Kingdom; we 'can give them no other character, but that which your Majeſty's 'Father of bleſſed memory gave them, terming ſuch Men, *Vipers and 'Peſts againſt the King and his Kingdom.* And if it pleaſe God for 'our Sins, to make our condition ſo deplorable, as they may get the 'ſhadow of your Majeſty's Authority, (as we hope in God they 'will not) to palliate their ends, then as thoſe, who are ſworn to defend 'our Religion, our recourſe muſt be only to the God of *Jacob* for our 'refuge, who is *Lord of Lords, and King of Kings*, and *by whom 'Kings do reign, and Princes decree Juſtice.* And if in ſpeaking thus 'out of zeal to Religion, and the Duty we owe to our Country, and 'that Charge which is laid upon us, any thing hath eſcaped us, ſince 'it is ſpoken from the ſincerity of our Hearts, we fall down at your 'Majeſty's feet, humbly craving pardon for our freedom.

'Having thus, with your Majeſty's permiſſion, cleared the Loyalty 'of your Subjects, that we may next ſhew the reaſon of their Demands, 'and equity of their Proceeding in Parliament, we do firſt crave, 'That if our Anſwers cannot give plenary ſatisfaction to the Objecti-'ons and Exceptions that ſhall be made againſt their Proceedings, that 'our not knowing of thoſe Objections (albeit we did often require 'your Majeſty's Commiſſioner to ſhew the ſame, that we might be the 'more able to give your Majeſty content; yet being ſtill concealed 'from us, and the Records and Regiſters of Parliament alſo ſtill kept 'from us,) may ſerve much for our excuſe. And if any the Propo-'ſitions and Articles ſought and craved in Parliament, ſhall ſeem harſh 'at the firſt view to ſuch as know not our Laws, that we do expect 'from them the Judgment of Charity, who ought (rather than to 'paſs a raſh Cenſure upon us) to profeſs *Ignorantiam juris & facti 'alieni*; and that they would diſtinguiſh betwixt the Deſires and Acti-'ons of a Parliament, who (being convened by Royal Authority, 'and honoured with your Majeſty's or your Commiſſioner's preſence,) 'are makers of Laws, againſt whom there is no Law; and the Acti-'ons of private Perſons, againſt whom Laws are made.

'And as the Deſires of the Subjects are no other in the matter, but 'what they did humbly crave in their former Petitions, and are ne-'ceſſary for eſtabliſhing of Religion, and the Good and Peace of the 'Kingdom, which can never oppugn the King's Honour, and are 'agreeable to the Articles of Pacification; ſo in like manner they are 'agreeable to the Laws and Practices of that Kingdom.

'And to deſcend more ſpecially; All the Articles given in are either 'ſuch as concern private Subjects, ſuch as are for Manufactures, Mer-'chants Trading, and others of that kind; which do not ſo much 'concern your Majeſty, or the Publick, as the Intereſt of private 'Men, which are but *minima, & de minimis non curat Lex*: Or they 'are Publick Acts, which do concern the Religion and Liberties of 'the Kirk and Kingdom; as the *ratifying of the Concluſions of the*

'*Aſſem-*

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'*Assembly*, the *Act of Constitution of Parliaments*, the *Act of Recision*, 'the *Act against Popery*, and others of that kind. Wherein, because 'the eyes of the World were upon them, and that hard Constructions 'have been made of their Proceedings, and that Malice is prompted 'for her Obloquies, and waiteth on with open mouth to snatch at the 'smallest shadow of dis-respect to your Majesty, that our Proceedings 'may be made odious to such as know them not, we have endeavou-'red to walk with that tenderness which becometh dutiful Subjects, 'who are desirous to limit themselves according to Reason, and the 'rule of Law.

'For the better understanding whereof, we must distinguish be-'twixt *Regnum constituendum*, and *Regnum constitutum*, a Kingdom 'before it be setled, and a Kingdom which is established by Laws. 'Wherein (as good Subjects esteeem it their greatest glory) to main-'tain the Honour and lawful Authority of their King; so good Kings, '(as your Majesty's Father of ever blessed memory affirms, holding 'that Maxim, that *Salus Populi est suprema Lex*,) will be content to 'govern their Subjects according to the Law of God, and fundamental 'Laws of their Kingdom.

'Next we must distinguish betwixt the Kirk and State, betwixt the 'Ecclesiastick and Civil Power, both which are materially one, yet 'formally they are contra-distinct in Power, Jurisdiction, Laws, Bo-'dies, Ends, Offices, and in Officers. And albeit the Kirk and Ec-'clesiastick Assemblies thereof, be formally different and contra-distinct 'from the Parliament, and Civil Judicatories; yet there is so strict 'and necessary conjunction betwixt the Ecclesiastick and Civil Juris-'diction, betwixt Religion and Justice, as the one cannot firmly subsist 'and be preserv'd without the other; and therefore like *Hippocrates's* 'Twins, they must stand and fall, live and die together. Which made us 'all in our Petitions to your Majesty, who is *Custos utriusque Tabulæ*, to 'crave, that as Matters Ecclesiastical be determined by the General 'and other Assemblies of the Kirk, and Matters Civil by Parliament; 'so specially to crave, that the Sanction of the Civil Law should be 'added to the Ecclesiastical Conclusions and Constitutions of the Kirk 'and her Assemblies, lest there should be any repugnancy betwixt the 'Ecclesiastick and Civil Laws, which your Majesty did graciously con-'descend unto. And your Majesty's Commissioner representing your 'Majesty's Royal Power and Person, in the General Assembly, where-'in the whole Congregations and Parishes in *Scotland* are represented, 'upon diligent enquiry, finding that all those Evils which troubled 'the Kirk and Kingdom, proceeded from the Prelates, consented that 'Episcopacy be removed out of the Kirk of *Scotland*, and declared, 'that all Civil Places of Kirk-men to be unlawful in that Kingdom; 'and having ratified the *Covenant*, ordaining all the Subjects to sub-'scribe the same, with the *General Assembly's Explanation* in that sence. 'And being also obliged to ratify the Conclusions of the Assembly in 'Parliament, it doth necessarily follow, that Bishops who usurped to 'be the Kirk, and in the name of the Kirk, did represent the third 'Estate; and that all Abbats, Priors, and others, who either did or 'do claim to represent the Kirk, be taken away. Which also by ne-'cessary consequence doth infer, that there must be an Act of Consti-'tution of the Parliament without them, and an Act for repealing the 'former Laws, whereby the Kirk being declared the third Estate, and

'Bishops

15 Caroli.

'Biſhops to repreſent the Kirk; both which the Kirk hath now renounced and condemned. So that unleſs the Act of Conſtitution of 'the Parliament, and Act of Reciſſory paſs, it is impoſſible either to 'have a valid Parliament, or to ratify the Concluſions of the Aſſembly, 'which your Majeſty hath graciouſly promiſed to perform, and which 'your Subjects are obliged to maintain.

'And ſeeing your Majeſty's Subjects have no other ends, but ſuch 'as may ſerve for eſtabliſhing of Religion, and Peace of the Kingdom, 'and are agreeable to the fundamental Laws thereof, and to the Articles of Pacification; and that the Parliament is the only lawful 'means to remedy our Evils, remove our Diſtractions, and ſettle a 'ſolid and perfect Peace: The ſum of your Subjects deſire is, That 'your Majeſty may be graciouſly pleaſed to command the Parliament 'to proceed freely in thoſe Articles given in to them, and to determine them. And whatſoever Objections or Informations are made 'againſt any of the particular Overtures, Articles, or Proceedings 'of the Parliament, we are moſt willing and deſirous, according to 'your Majeſty's Commandment, for avoiding conteſtation about words, 'to receive the ſame in writ; and are content in the ſame way to return our Anſwers, and humble Deſires.

IX. *Martii.*

'When we came again before the King, his Majeſty ſaid, we knew 'where we left the laſt day, concerning our Inſtructions.

'It was anſwered, That according to his Majeſty's Command we 'had brought our Inſtructions with us; but firſt we deſired two 'things of his Majeſty.

'The firſt was, That albeit his Majeſty might have any with him to 'hear us, and to ask their advice; yet his Majeſty would pardon us in 'declining to anſwer before any, as Judges of our Proceedings in Parliament; and that we would anſwer none of their Queſtions. This 'his Majeſty was pleaſed to admit, but ſaid, He would crave their 'Opinions.

'The ſecond requeſt was, That becauſe the laſt day ſome did write 'as we ſpake, and for that the writing of a word only of a Sentence, 'or a ſentence only of a ſpeech, might admit of a wrong conſtruction, 'and wreſt the meaning of the Speaker; therefore that nothing ſpoken by us, and put in writ by any there preſent, ſhould be of any 'faith or credit againſt us, unleſs it be firſt read unto us, and we allow 'of it. Otherwiſe we would diſclaim it, and would rather give all 'that we ſhould ſpeak in writing, upon condition that if his Majeſty 'ſhould take exceptions at any thing therein contained, we might have 'liberty to interpret our own meaning, becauſe *unuſquiſque eſt optimus 'Interpres ſui*; and thereupon we delivered his Majeſty a Copy of 'what was ſpoken the day before.

'Whereupon it was anſwered, That it was an ordinary cuſtom in 'Star-chamber, and other Judicatures, that where the King was ſitting, ſeveral Men did write, eſpecially the King's Secretaries.

'To this we replied, That we were not now before any Judicatory, 'and we would adhere to no Man's writ but our own, or that we 'did approve of. His Majeſty then ſaid, that nothing which was 'written ſhould be uſed to tie us, except it were firſt read unto us, 'and we approved of it.

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'When we had ſhewed his Majeſty our Inſtructions, he gave them 'us again to read. Which being read, notice was taken who had 'ſubſcribed them, and of their Names written; and it was objected, 'that there were only ſome few Noblemens hands at them, and ſome 'few Gentlemen and Burgeſſes; and that the Noblemen of prime 'places and antiquity had not ſubſcribed, as *Argile*, *Rothes*, *Montroſs*, '*Marſhal*, &c. and that thoſe who had ſubſcribed them were all but 'Noblemen of the King's own creation, ſave *Balmerino*, who held his 'Life and Head of the King.

'It was anſwered, That thoſe Inſtructions were warranted by 'the Parliament, and were relative to former Inſtructions given 'to the Earl of *Dumfermling*, and Lord *Loudon*, which were ſub-'ſcribed by a great many Noblemen, Gentlemen, and Burgeſſes, 'who were preſent at that time when the Parliament was ſitting; 'and their laſt Inſtructions were ſubſcribed by thoſe Noblemen 'and others, who were Commiſſioners appointed by the Parlia-'ment, to make Remonſtrances to his Majeſty, and receive their 'Anſwers. Which was done with conſent of the whole Parliament, 'and had a more formal Power than if they had been ſubſcribed by 'the other Noblemen, then not ſitting in Parliament. His Majeſty 'hereupon deſired to ſee the former Inſtructions, ſubſcribed by the 'other Noblemen; which we did then ſhew him. And after he had 'ſeen the ſame, he urged us to ſhew the Warrant given by the Parlia-'ment to thoſe who ſubſcribed our laſt Inſtructions; which we told 'him was not about us: the King required to ſee it at the firſt oppor-'tunity, which we did accordingly.

'The King then asked us, as he did the former day, What power 'we had to give him ſatisfaction? for our Inſtructions were only for 'juſtifying and not ſatisfying; and that he dealt with us on very un-'equal terms, having power to ſatisfy us. And albeit he could make 'it appear, that ſome of our deſires and proceedings in Parliament 'were not agreeable to Law, yet we had not power in any wiſe to 'yeeld in any point to give him any ſatisfaction.

'Whereunto it was anſwered, That as the Parliament had no other 'deſires, but what is contained in our Petitions, nor no other ends, 'but ſuch as might ſerve for eſtabliſhing of Religion, and the Good 'and Peace of the Kingdom; ſo had they given us full power to clear, 'that their Deſires and Proceedings were agreeable to the Funda-'mental Laws and Practices of the Kingdom, and to the Articles of 'Pacification. And that accordingly we were ready to clear their 'Proceedings were agreeable to Law and Reaſon. And that there 'was no neceſſity of a further power from the Parliament, until we 'knew what exceptions and objections would be made againſt it. Nei-'ther was it likely that the Parliament would divolve their full deci-'ſive Power (which was proper to themſelves) to any other, by 'way of reference, and deprive themſelves of their Parliamentary 'Privileges and Right. Neither was there any but neceſſary Acts, 'and ſuch as conduced to the Peace of the Kirk and Kingdom, and 'were agreeable to the Fundamental Laws thereof, and ſuch as 'the King was obliged to ratify by the Articles of Pacification.

'Hereupon the Arch-Biſhop of *Canterbury* (admitting what was 'granted by the King, and acknowledged by them, *viz.* That the 'King was not in Judicature, nor they to ſpeak in any ſort as Judges,

'but

'but only as thoſe whom his Majeſty had required to hear and give 'their Opinion) deſired his Majeſty to enquire of us, that ſeeing we 'did aver, That all our Deſires and Proceedings were agreeable to the 'Laws and Cuſtoms of that Kingdom, (which could be no other 'than the preſent Statutes of that Kingdom), how could the ſame 'conſiſt with the other part of our Deſires, whereby we craved pre-'ſent ſtanding Laws to be Repealed? And where we ſaid his Majeſty 'was obliged to Ratify the Concluſions of the *Aſſembly*, was only but 'a *Parentheſis*, and ſaid, It was more than he believed, that his Maje-'ſty was bound to Ratify the Concluſions of the *Aſſembly*. And then 'he ſaid to the King, Sir, I think your Majeſty hath not obliged your 'ſelf to take away the preſent ſtanding Laws.

'To this we anſwered, That there was no repugnancy betwixt 'theſe two Aſſertions, *viz.* That our Deſires were agreeable to the 'Fundamental Laws, and yet that we craved, That the Acts which 'were repugnant to the Concluſions of the *Aſſembly* ſhould be Re-'pealed; for both could very well conſiſt: becauſe, as it was compe-'tent to the Parliament to make Laws and Statutes for the good of 'the Church and State; ſo it was proper for them to Repeal all Laws 'contrary thereunto. And for that which you call the *Parentheſis*, of 'the King's being obliged to ratify the Concluſions of the *Aſſembly*; 'We do not ſpeak it by way of Suppoſition, but do poſitively affirm, 'That his Majeſty is obliged to Ratify the Conſtitutions of the Aſ-'ſembly.

'The Arch-Biſhop replied, That he hoped that we thought him 'not ſo groſs nor ignorant, but he knew that the Parliament had 'Power as well to repeal Laws, as to make Statutes, *pro ratione & di-'ſtinctione temporum*; but his Objection was, How it was poſſible? 'how our Deſires were agreeable to the Laws? and yet craved ſtand-'ing Laws to be repealed, by Reaſon of the Acts and Concluſions of 'the *Aſſembly*, *ex conſequenti*. For if the Clergy of *England* being 'now call'd to their *Convocation*-Houſe at the time of this Parliament, 'ſhould take upon them to Anul and Repeal Acts of Parliament, 'his Majeſty might eaſily conſider what great Confuſion and Danger 'would follow.

'To which was anſwered, That by reaſoning his Objection, he 'gave no further ſtrength to his Argument than it had before, and 'which was ſufficiently anſwered; but only now he added, That Acts 'of Parliament could not fall becauſe of the Acts of the *Aſſembly*, *ex 'conſequenti*, which he would prove by an Inſtance of Compariſon, be-'tween the *Convocation*-Houſe & the Parliament of *England*. For anſwer 'whereof it was replied, That it did neceſſarily follow, that Acts of 'Parliament, which depend upon Acts and Concluſions of the *Aſſem-'bly*, muſt fall and be repealed when the *Aſſembly* had reduced, repea-'led, and anulled the Acts of the *Aſſembly*, whereof thoſe Acts of 'Parliament were but Ratificatory, and depended upon the Acts of 'the *Aſſembly*; becauſe *ſublata cauſa tollitur effectus, & acceſſarium 'ſequitur ſuum principale*. And as for the Inſtance concerning the '*Convocation*-Houſe, which did only conſiſt of Prelats, and ſome of 'the Clergy, it was of a far different nature from our *General Aſſem-'bly*, where his Majeſty or his Commiſſioner ſit, and where the whole 'Congregations and Paroaches of the Kingdom were repreſented by 'their Commiſſioners from Preſbyteries; ſo that what was done by

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'The Arch-Biſhop replyed, That their 'Convocation-Houſe was as 'eminent a Judicature as ours, and ought not to be ſo ſlighted: That 'the Clergy and himſelf had bin a long time Members of the Parlia- 'ment; and that neither the *Engliſh*, nor no Reformed Church, had 'Laick Elders as we had in our Aſſemblies, and proteſted he ſhould 'loſe his life before they ſhould have them.

'It was anſwered, That we were not medling, nor would have ſpo- 'ken of their *Convocation*-Houſe, unleſs he had mentioned it himſelf; 'and that it was a groſs miſtake of any that conceived Laicks were 'Members of the Aſſembly; but that the Office of Elders was Eccle- 'ſiaſtick, and as Orthodox and agreeable to Scripture, as any Order 'they had in the *Convocation*-Houſe: But we were only clearing the 'Power of our own General Aſſembly, and of the Equity and De- 'ſires of the Parliament: And that as the Acts of the *Aſſembly* had 'repealed and taken away the former Acts of *Aſſemblies*, which did 'take away the Acts of Parliament, ratifying thoſe Acts *ex conſe- 'quenti*; ſo we craved, That the Acts of Parliament it ſelf might 'Repeal the Acts of Parliament which now had no force, and ſo 'ought to be repealed.

'The Earl of *Traquair* ſaid, That all the Acts given into the *Arti- 'cles*, were not conſented unto by the whole Eſtates and Subjects, but 'that in ſome of them they were of a different Judgment among 'themſelves, and that he hoped we would not ſtick in ſome things to 'yield to the King for his Majeſty's Satisfaction; but if we ſtood to 'juſtify all, the King had the more reaſon to crave from whom they 'had Warrant ſo to do.

'To which it was anſwered, That he knew very well that all was 'not ſtood upon, for there were divers things paſt in *Articles*, ſome 'of them to be conſulted with the King; and what was ſtuck upon, 'was upon good Reaſon: Beſides, every thing done in *Articles* were 'not enacted Statutes, but only Propoſitions prepared for the Parlia- 'ment; and it was ſufficient, if there were ſo much Law and Rea- 'ſon for thoſe Propoſitions, as merited the conſideration of the Par- 'liament: but we told them, That we deſired rather to anſwer ſuch 'Objections in Writ, than Verbally.

'The King having thus long debated and objected againſt the Suffi- 'ciency of our Power, made us remove to the next Room; and af- 'ter adviſement taken, we were call'd in again, and told, That albe- 'it his Majeſty in his own Judgment, as in the unanimous Judgment 'of thoſe that were with him, conceived we had no Power to give 'him Satisfaction, yet he was pleaſed to hear the particular Reaſons of 'our Demands. We replyed, That our Demands were only, that 'the Parliament might proceed and ratify the Concluſions of the *Aſ- 'ſembly*, and to determine all the *Articles* given in unto them, as be- 'ing agreeable to the Laws of the Land, and *Articles of Pacification*. 'And if any Objections were made, they would anſwer them in 'Writing. The King ſaid, It behoved his Commiſſioner to give the

'Objections,

15 *Caroli.*

'Objections. We anſwered, That we knew his Lordſhip might give 'them preſently, and we would anſwer them again the next day; but 'they refuſed to give them till the morning. This we told them was 'a protracting of time, and would force us to crave a time to return 'our Anſwers.

Here followeth the Objections and Anſwers.

Queſtion.

'WHether are you Warranted or Inſtructed from Parliament to 'ſatisfy his Majeſty, anent the Power of Prorogation of Par- 'liaments of himſelf, and of his own Prerogative ſimply? And whe- 'ther a Parliament thus Prorogued ſimply by his own ſole Royal 'Power, can or may ſit before the time to which his Majeſty hath 'Prorogued the ſame? And if you have no Warrant nor Inſtruction 'herein from the Parliament, What are your own private Judgments 'herein?

Anſwer.

1. 'As our Power and Inſtructions from the Parliament do war- 'rant us to ſhew, That their Proceedings and Deſires are agreeable to 'the Laws and Practice of the Kingdom, and to the *Articles of Pa- 'cification*: So are we particularly injoined to anſwer all Objections 'which either may be propounded, or which they conceived could 'be propounded, againſt the Acts and Proceedings of the Parliament. 'And as concerning any other Queſtion, which was not moved in 'Parliament, nor is againſt the Articles and Propoſitions given in to 'them; as the ſame did not fall within the Conſideration of the Par- 'liament, ſo neither can it come within the compaſs of our Inſtructi- 'ons, as that whereunto we have Warrant to anſwer. It is alſo to be 'underſtood, that the Propoſitions and Acts given in to the Lords of 'the *Articles*, are not Statutes, but are only propounded and given 'in to them to be prepared for the Parliament, that the Parliament 'may enact or refuſe the ſame as they ſhall find them expedient or in- 'expedient, for the good of the Church and State.

'And as concerning the Query anent the Prorogation of the Par- 'liament, We are warranted by our Inſtructions and Informations to 'ſhew, That the Prorogation of the Parliaments of that Kingdom, 'being once Convened in plain Parliament, and having choſen the 'Lords of *Articles*, or entred on Actions, hath ever bin done with 'the conſent of the three Eſtates; as may be ſeen in the Raigns 'of King *James* 6. Queen *Mary*, King *James* 5. King *James* 4. King '*James* 3. King *James* 2. King *James* 1. and ſo forth, in all the 'Printed and Writen Records of Parliament; and they are confi- 'dent that your Majeſty will be graciouſly pleaſed to keep that ſame 'Form and Order of Prorogation of Parliaments, which all your moſt 'Worthy and Royal Anceſtors did: Neither did the Parliament ex- 'pect that your Majeſty (who did graciouſly grant this Parliament 'for eſtabliſhing of Religion, Ratifying the Concluſions of the *Aſ- 'ſembly*, and ſetling the Peace, and hath accordingly given an ample 'Power, under your Majeſty's Broad Seal, *pro retentione & obſerva- 'tione Parliamenti*, without any Power, or Clauſe of Prorogation or 'delay) would require this Parliament to be Prorogued without

'conſent

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'conſent of the Eſtates of Parliament, until thoſe things were per-
'formed, which your Majeſty was graciouſly pleaſed to condeſcend
'unto.

Object. 'And where it may be objected, That a Parliament was
'Prorogued *de Mandato Regis.*

Anſw. 'It is anſwered, That only proves the Denomination of the
'Act to be taken from the King, but doth no ways prove, that the
'Act was made without conſent of the Eſtates, no more than that Act
'of Parliament holden at *Edinburgh, Junii* 28. 1450. *An.* 3. *Ja.* 2.
'*fo.* 33. expreſſing, That *the three Eſtates did continue the Parliament*
'*without naming the King*, will infer, That the Eſtates wanted the
'King's Conſent; for it is uſual that the Denomination of Parlia-
'ments be taken ſometimes from the King only, ſometimes from the
'three Eſtates, and ſometimes from both; and in that the Prorога-
'tion was done by Act of Parliament, it is enough it be done with
'conſent of the three Eſtates. Alſo the Letter written by King
'*James* the *6th* to the Lord *Balmerino*, his Majeſty's Secretary in the
'Parliament, *May* 1604. expreſſing, That *ſeeing the Parliament of*
'England *was continued, therefore the States ſhould continue the Parlia-*
'*ment of* Scotland, which they did. And this doth evince, that the
'Parliaments were ſtill continued with the conſent of the three
'Eſtates.

'And having thus (according to our Inſtructions given us) ſhewn
'the Judgment of the Parliament (whoſe Language and Mind we
'ought now to ſpeak, and not our own private Opinions) concern-
'ing the Form and Order of Prorogation, which hath bin conſtantly
'obſerved in all preceding Parliaments; We do ſo much tender your
'Majeſty's Royal Power and Lawful Authority, (which we have
'ſworn never to diminiſh) as we neither do nor will preſume to ex-
'ceed our Inſtructions to define what your Majeſty may do in the
'height of your Power: for to diſpute *à poſſe ad eſſe*, is both againſt
'Law and Divinity; and whatſoever your Majeſty may do in the
'height of your Power, We hope that your Majeſty will ever be gra-
'ciouſly pleaſed to Rule your Subjects according to Law; the conti-
'nual practice whereof we have ſhewn in this Point, neither know
'We any former Law or Practice to the contrary; and if any Man
'hath informed your Majeſty, or affirmed that it is otherways, *affir-*
'*manti incumbit probatio.*

2. 'As concerning that Act, whereby it is craved, That the Power
'of the Lords of the *Articles* may be defined, We have Direction
'and Information from the Parliament, to ſhew the Equity, Lawful-
'neſs, and Expediency of that Act, which may be eaſily perceived
'from the Reaſons contained in the Narration of the *Act* it ſelf, which
'*brevitatis cauſa* is referred thereto: as alſo from the written Records
'and printed *Acts* of Parliament, from the Nature of all Committees,
'and from the preſent Eſtate and Condition of the Parliament of that
'Kingdom: For as it is clear by the Hiſtory of that Kingdom, and
'Records of Parliament, that there was never ſuch a thing heard of
'as Lords of *Articles*, until the time of King *David Bruce*, ſo it is
'manifeſt in all the printed and written Records of Parliament ſince
'that time, That many Parliaments had no Lords delegate for *Ar-*
'*ticles* at all; and when there were any choſen, the Nomination
'and Election of them was ever with the common conſent and advice

'of

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'of the whole Parliament, until the Parliament 1617, that the Biſhops 'took upon them to remove out of plain Parliament to the Inner-'Houſe, and there choſe ſome of the Noblemen, and thoſe Noble-'men choſe them, and they two choſe the Commiſſioners of Shiers 'and Burroughs to be of the *Articles:* Which as it is againſt the firſt 'Inſtitution and Form of Election of all precedent *Articles* introduced 'by the Prelats, ſo doth it fall, and ought to be removed with them '*ut Effectus removeatur cum ſua Cauſa:* For they being removed, can-'not chuſe the Noblemen to be on *Articles*, and the Noblemen can-'not chuſe them, nor can they both together chuſe the Barons and 'Burroughs: So that it doth of neceſſity follow, that either there be 'no Lords of *Articles*, but that all be done in face of plain Parlia-'ment, as it was of old; or elſe if *Articles* be, that the Order of 'Election be from the whole Parliament; or that every State of Par-'liament make choice of their own Number which are to be on the '*Articles:* for according to the common received Maxim, *Quod omnes* '*tangit, ab omnibus approbari debet*; who are choſen to repreſent the 'whole Kingdom, and are appointed to convene in their Name, for 'eſtabliſhing ſuch Laws as are neceſſary for the good of the Common-'Wealth, ought to diſcharge the truſt themſelves, and not to intruſt '*poteſtatem Univerſis Commiſſion.* to ſome Elected Perſons, except on-'ly in Caſes of Neceſſity and Utility, which ever may be done or 'omitted according to conveniency and occaſion of Affairs. For as 'this freedom of chuſing, or not chuſing of *Articles* in practice and '*de facto*, was arbitrary and changeable *pro occaſione & diſtinctione* '*temporum*; So there is never any Statutory Law enjoining the ne-'ceſſity of *Articles*, determining the Power and Manner of their Pro-'ceedings, *& in actibus liberis* of the Law, *non currit preſcriptio.* And 'it is very agreeable to Reaſon, that the power of *Articles*, which is 'but a Committee delegate from the Parliament, to prepare Matters 'for their Conſideration, have not a boundleſs and unlimited Power, 'but be countable to them; and the Power of *Articles* is only prepa-'rative and not determinative, and is but *curatio*, by virtue of a De-'legation; which ends at the redemand of the Granter, and ought no 'ways to be privative of the Parliamentary Power, but only Com-'municative, and ought before cloſing or riding of the Parliament, to 'render an account to them of all that hath bin propounded or paſt 'in *Articles*, that the whole Parliament may have a competent time 'for Conſideration, Agitation, mutual Communication, Diſcuſſion, 'and Deliberation of the Reaſons and Concluſions of thoſe *Articles*, 'which are to be voiced, and not to vote blindly and without fore-'knowledg, to agree or diſagree to ſuch things as by their Suffrages 'are enacted to be Laws, which requires not only Voicing, but alſo 'Hearing, free Reaſoning, and ripe Advice, as is clear by the Com-'miſſions granted to the Shires and Towns to their Commiſſioners, 'and from the *Acts* of Parliament of the firſt Parliament, 7 *Act* 101, 'and *Acts* of Parliament 1584, and 1587, *An. Jac. 6.*

3. 'As for anſwer to the new Augmentation of Cuſtoms and Book 'of Rates, it is humbly acknowledged, That the Cuſtoms belonging 'to your Majeſty, as a part of the Patrimony due to your Crown, as 'appears by divers *Acts* of Parliament, eſpecially by the 179 *Act*, '*An.* 13. *Jac.* 6. and 206 *Act*, *An.* 14. *Jac.* 6. and 251, and 254, '*Acts An.* 15. *Jac.* 6. It is evident that the Cuſtoms of Native and

'Foreign

An. 1639. ‘Foreign Commodities hath bin impoſed by the *Exchequer*, and condeſcended unto by ſome of the Barons, upon promiſe made unto them by the Earl of *Traquair* (as they affirm) that the Book of *Rates* without alteration ſhould be ratified in the next Parliament, (the performance whereof was only craved by the *Article* given in) and that no new Augmentation ſhould be impoſed upon Cuſtom, but that which is agreeable to Juſtice and the Laws of the Kingdom; which the Burroughs conceived they might lawfully repreſent to your Majeſty and the Parliament's Conſideration.

4. ‘The Reaſon and Occaſion of that *Article* given into the Parliament, anent the value of Money, and concerning Copper Money, doth flow from the ſenſible Loſs and great Prejudice which your Majeſty's Subjects of that Kingdom do ſuſtain, by the huge quantity of Copper Mony which hath bin coined here, and allowed with Advice of your Majeſty's Council, to paſs here at a rate ſo far above the intriſick value thereof; As alſo, (beſides what is coined in the Kingdom) there are likewiſe a great deal coined abroad in other Countries and brought into *Scotland*, and great quantities of falſe ones forged by Tinkers; and through occaſion thereof all other Money is exported and taken away, and no other Money almoſt left; and the proclaiming of them up and down in ſo ſhort a ſpace of late, hath brought the eſteem and value of them to ſuch an uncertainty and confuſion, as no Man knows at what rate they ſhould paſs at, or whether they ſhould paſs or no; which to your Majeſty's Subjects is a very great prejudice, eſpecially to Tradeſmen and poor People, in whoſe hands moſt part of thoſe baſe Monies are, whoſe diſtreſſed Condition cries to your Majeſty for Remedy: Like as the importing of Dollars from Foreign Kingdoms, and tolerating them to paſs for a long time at a higher Rate and Price, then is anſwerable to the true value, gave occaſion to export and take away your Majeſty's own Coin, and the crying down of the Dollars thereafter by your Majeſty Council, at ſuch a time when there was little or no other Money in *Scotland*, occaſioned great ſcarcity of Money in this Kingdom. From the by-paſt experience of which loſs, and for Remedy thereof, that *Article* craving, That Money ſhould not be altered without Advice of the Eſtates of Parliament, was given in without thought or intention to intrench in any ſort upon your Majeſty's Royal Authority: But that your Majeſty, for the good of your Subjects, may be graciouſly pleaſed, That the Standard-Money (conſiſting in Fineneſs, Weight, and price of Money) which from time to time hath bin ruled and ſet down in Parliament, may be ſeen by that Act of Parliament, *An.* 1366. in *David* the Second's time, in theſe words, *Statutum quod fabricetur moneta de materia jam allata in Regnum, & quod in pondere & metallo equipolent monetæ currenti in* Anglia, *& fiat in ipſa ſignum notabile, per quod poſſit ab omni alia prius fabricata evidenter cognoſce, quouſque in proximo Parliamento ſuper hoc maturius aviſari poſſit.* The ſame is alſo manifeſt from a great many other Acts in the Raigns of *Ja.* 1. *Ja.* 2. *Ja.* 3. *Ja.* 4. *Ja.* 5. *Ja.* 6. eſpecially Parl. 1 *An. Ja.* 1. *cap.* 33. *An.* 1424. *Item*, *Ja.* 2. *Parl.* 6. *cap.* 29. & *Parl.* 8. *cap.* 33. *Parl.* 15. *cap.* 59. *Parl.* 14. *cap.* 72. *Item*, *Ja.* 3. *Parl.* 1. *cap.* 9. *Parl.* 3. *cap.* 18. *Parl.* 4. *cap.* 21. *Parl.* 6. *cap.* 46. *Parl.* 7. *cap.* 50. *Parl.* 8. *cap.* 64. *Parl.* 13. *cap.* 93. *Item*, *Ja.* 4. *Parl.* 1. *cap.* 2. *Parl.* 2. *cap.* 17. In the unprinted Acts, *An.* ‘*Ja.* 6.

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'*Jac.* 6. *Parl.* 5. 1578. *Parl.* 7. *Cap.* 106. *Parl.* 8. 1584. *Parl.* 13. '*an.* 1593. And in the printed Acts, *Parl.* 15. *Cap.* 249. *Parl.* 16. *Cap.* 9. 'And alſo in the Parliament 1633, holden by your Royal Majeſty, there 'is Commiſſion given in Parliament to the Privy-Council, and other 'Commiſſioners, anent the frequent courſe of Dollars, and baſe Copper-'Mony. By reading of which *Acts* it is manifeſt, that the fineneſs, 'weight, and price of Money, hath bin ruled and determined by your 'Majeſty's Predeceſſors, and your Self, with the advice of Parliament. 'Neither is it meant or intended, that your Majeſty's Royal Privileges '(which have bin and are due to your Majeſty, and Royal Anceſtors) 'ſhall thereby in any ſort be trenched upon, or impaired.

'The reaſon of that Article, whereby it is humbly craved, that the 'Caſtles of *Edinburgh*, *Dumbarton*, and *Striveling*, may be entruſted 'only to Natives, and thoſe to be choſen by advice of Parliament, of 'ſuch faithful and honeſt Men as do tender your Majeſty's Honour, 'and Safety of the Kingdom; may be ſeen not only from the nature 'and importance of the Charge, but likewiſe from the former practice 'of your Majeſty's Royal Predeceſſors, who did diſpoſe of thoſe 'Caſtles with ſpecial advice of Parliaments; as is recorded in the old 'Regiſters of Parliament, 1368; like as *fol.* 83. *an.*—*Jac.* 4. It is con-'concluded by the advice of the three Eſtates, that *Patrick* Lord '*Hayes* be Keeper of the Caſtle of *Edinburgh*, and Artillery of the 'ſame. *Item fol.* 21. *cap.* 35. *Jac.* 6. the three Eſtates ordain the 'Caſtle of *Dunbar*, and Fort of *Inchkeeth*, be demoliſhed and deſtroy-'ed, that no foundation remain thereof. Like as by divers unprinted 'Acts, as in *Anno* 1578, 1585, and 1606, Your Majeſty's Houſes 'have bin diſpoſed of by advice of Parliament. And not only Nati-'onal Statutes, but the Law of Nature and Nations, do forbid the 'receiving of Strangers to be Keepers of the Strength of a free 'Kingdom. And *anno* 1604, when the Parliament of *Scotland* gave 'Commiſſion anent the Union with *England*, with exception and re-'ſervation of free Monarchy, and the Fundamental Laws, Liberties, 'and Privileges of that Kingdom. And your Majeſty's Father in his 'printed Speech to the Parliament of *England*, 1607, when he inter-'prets the Clauſe of *Fundamental Laws*, declares, That he could not 'make *Scotland* a naked Province without Liberty, and to ſet Gari-'ſons over *Scotland*, as the *Spaniards* do over *Sicily* and *Naples*, or govern 'them by Commiſſioners. So that his Majeſty in his own interpretation 'doth acknowledg, that the putting in of Gariſons, eſpecially of *ſtrangers*, 'as of *Engliſh-Men*, in the Forts and Caſtles of *Scotland*, is a breaking 'of the Fundamental Laws and Liberties of *Scotland*, and uſing it like a 'naked and conquered Province, like as *Sicily*, *Naples*, or *Ireland* is. And 'as your Majeſty's Subjects gave an undoubted proof how tender their 'Minds are in point of Obedience to your Majeſty's Commands, not 'only in delivering the Caſtles to be diſpoſed of at your Majeſty's 'pleaſure, without any aſſurance, other than their confidence in your 'Majeſty's Goodneſs and Juſtice; ſo have they of late given a very 'ſubmiſſive and rare Teſtimony of their Obedience, in the humble re-'ception of thoſe Strangers and Ammunition, which your Majeſty 'was pleaſed to ſend to the Caſtle of *Edinburgh*, where the Honours 'of your Crown and Kingdom, and Regiſters are kept; preferring 'their Obedience to your Majeſty's Commands to their own Safety, 'even at this time when their ears are filled with hoſtile Preparations

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'againſt them. All which makes them, and us in their Names, hum-
'bly to ſupplicate and expect, that your Majeſty will be graciouſly
'pleaſed, by recalling that Gariſon, to free your loyal Subjects of
'thoſe Fears and Dangers, who will ever be ready to hazard both
'their Lives and Fortunes to do your Majeſty ſervice. Neither do
'they in that Act given in to the Articles, arrogate or aſſume it to
'themſelves to appoint Keepers for your Majeſty's Caſtles, but do
'humbly crave, That your Majeſty will be pleaſed to declare (for
'further ſatisfaction of your Subjects) that the Commanders of your
'Caſtles may be choſen by the advice of the Eſtates of the Parliament;
'and that ſuch as ſhall happen to be placed betwixt Parliaments, may
'be tried, and found by your Majeſty's Council to be Men of ſuch
'quality as are fit and able to undergo that Charge. Which in
'the Judgment of the Parliament, derogates nothing from your Ma-
'jeſties Royal Authority.

6. 'As for the Reaſons of the Act anent the Judicature of the Ex-
'chequer, we have ſet down ſome few of the many Reaſons, which
'do ſufficiently prove the Equity and Juſtice thereof.

1. 'The *Seſſion* and *Exchequer* are two diſtinct Judicatures, and
'not ſubordinate one to another, and cannot be contruerent in the
'ſame Object. And therefore ſeeing the Queſtion of Right and Nul-
'lity of Right is competent to be decided by the Lords of *Seſſions*, by
'way of Action or Exception, it is altogether incompetent to be diſ-
'cuſſed by the Lords of the *Exchequer*.

2. 'The Lords of the *Exchequer* are incompetent Judges in a De-
'clarator of Nullity by way of Action, and conſequently cannot an-
'nul any Right by way of Exception, which is a more ſummary way.
'And it were abſurd in Law, (ſeeing the Subject and Queſtion is one,
'whether proponed by way of Action or Exception,) that incompe-
'tent Judges of the Action ſhould have a more abſolute and ſummary
'Juriſdiction by way of Exception.

3. 'It appeareth by an *Act* of Parliament not printed, 1593, en
'titled, *A Commiſſion to the Exchequer anent deciding Suſpenſions in the*
'King's Cauſe, that before the ſaid *Act* the Exchequer had not power
'to decide in Suſpenſions, until it was given them by the ſaid *Act*; far
'leſs can it be thought, that they ever had or can have power to de-
'cide in the point of heritable Right: neither doth the late *Act* 1633,
'authorize to decide therein expreſly. And if it be truly conſidered,
'ſome general words contained therein, intermixed with the particular
'Caſes therein expreſſed, ſhould not, nor cannot be extended to ſo
'high a point, as the diſputing and deciding of the Subjects heritable
'Rights. Like as at the making of the ſaid late *Act*, the Lords of the
'*Seſſion* having heard ſome ſurmiſe that the King's Advocate was gi-
'ving in ſuch an *Act*, ſeven or eight of them convened together, and
'ſent for the *Advocate*, who aſſured them that there was not nor
'ſhould not be any ſuch thing, but that the *Act* ſhould be conceived
'in ſo clear terms, that it ſhould not be poſſible to draw in under any
'part thereof a power to the Lords of the *Exchequer* to diſpute, far
'leſs to decide in heritable Rights. And as the Subjects heritable
'Rights and Infeoffments are by this *Act* ſaved from being decided
'and annulled by incompetent Judges; ſo your Majeſty is no ways
'prejudiced thereby, ſeeing the Lords of Seſſion (who by the Laws
'of that Kingdom are proper and competent Judges of all heritable

'Rights

'Rights and Infeoffments,) may and will decide any Queſtions 'which may concern your Majeſty, in nature, tenor, and validity of 'any heritable Right. *Caroli* 15.

An Anſwer to Twenty five ſeveral Propoſitions more, given to the Commiſsioners on Friday *at Night, the* 20th *of* March, 1639; *and by them anſwered on* Monday, March 23.

1639 *Engliſh Style.* } *as followeth,*
1640 *Scotiſh Style.* }

Firſt,

'THe Proteſtation made by ſome of the Noblemen, (that their 'giving way to the preſent Treaſurer and Privy-Seal, ſhould not 'prejudice them of their Right) carrieth the ſame reaſon of the Pro-'teſtation in it ſelf; becauſe in Law and Practice it is uſual to any, who 'conceives himſelf prejudged, even in thoſe things where Acts of Par-'liament paſs againſt them, to proteſt *multo manis*. In ſuch a caſe as 'this it is lawful for him to proteſt, that you giving way to that, 'which they conceive hath no Law for it, ſhould not prejudge their 'Right, which is only craved *prout de jure*.

Secondly, That the Act againſt the Conſtitution of the Parliament, 'remitted to the Articles to be conſidered by your Majeſty till next 'Parliament, was queſtioned and urged, that the ſame might be 'brought in open Parliament without any ſuch reference, for divers 'reaſons: Firſt, becauſe in that Act there was a Clauſe, craving it 'might be enacted, that there ſhould be *Stataria Parliamentaria* once 'in two or three years at leaſt; which Clauſe of the Act, ſo ſoon as it 'was underſtood by the Propounders and In-givers thereof, that your 'Majeſty might conceive the ſame to derogate from the freedom of 'your Royal Power of indicting Parliaments when your Majeſty plea-'ſed, they did paſs from that part or clauſe of the Act. And albeit it 'may be eaſily demonſtrated from the Prejudice which your Majeſty's 'Ancient and Native Kingdom ſuſtains, through want of your Royal 'and perſonal Preſence, and living at ſo far a diſtance from the place 'of your Majeſty's reſidence, how requiſite it is that there be frequent 'Parliaments holden in that Kingdom; yet leſt the deſire of your 'Majeſty's Subjects might ſeem in any ways to trench upon your Au-'thority, they did paſs from that part of their deſire, and did only in-'ſiſt that there might be a right Conſtitution of the Parliament, and 'that an Act might be paſt for reſcinding and repealing of ſuch former 'Acts which repugn the Acts and Concluſions of the Aſſembly, which 'is conceived to be ſo abſolute neceſſary, as there can never be a valid 'Parliament without the ſame, nor can the Acts and Concluſions of 'the *General Aſſembly* be ratified; which to refuſe, were both con-'trary to the primate end for which the Parliament was indicted, and 'againſt your Majeſty's Royal and Gracious Declarations. And that 'it is impoſſible without paſſing the Reſciſſory Act, and Act of Con-'ſtitution, to have a valid Parliament to ratify the Concluſions of the

An. 1639. 'Assembly, is manifeſt; ſeeing by former Conſtitutions of the Parliament, no Act of Parliament can paſs without the conſent of the three Eſtates, of which the Kirk was the third, (as is to be ſeen by the Act of Parliament 1609,) and any Act of ratifying the Concluſions of the *Aſſembly*, or for any other cauſe whatſoever, which can be put in this Parliament, till the Parliament be lawfully conſtitute without Prelates, or any other repreſenting the Kirk, cannot be valid, but may be quarrelled and annulled upon that formal and fundamental ground of the former Conſtitution of Parliaments, which ſtands eſtabliſhed by Acts of Parliament, *anno* 1584, 1587, 1597, and 1606. By all which it is clear that the Parliament was conſtitute of the three Eſtates; and that the Prelates voting in Parliament, and repreſenting the third Eſtate, was a Privilege granted to the Kirk, and that they (as her Office-bearers) had only Vote in the name of the Kirk, may be clearly ſeen by the 231 *Act Parl.* 15. *Jac.* 6. *Anno* 1597. where the King's Majeſty and his Eſtates reſtores Miniſters provided to places, to have vote in Parliament, and that upon this reaſon, as having ſpecial care of the greateſt Privileges and Immunities granted by his Predeceſſors to the holy Kirk within this Realm, and to the ſpecial Perſons exerciſing the Office, Dignity, and Title of Prelats within the ſame, which is reputed one of the Eſtates, and that the ſaid Prelats have bin from time to time conſerved in the ſame integrity wherein they were at any time before. So that his Majeſty, out of his ſingular affection to the advancement of Religion, declares this Kirk to be a true and holy Kirk, and that the Miniſters and Paſtors within the ſaid Kirk, provided to the Office, Place, Title and Dignity of a Biſhop or Prelat, ſhall at all times hereafter vote in Parliament, ſuch-like and as freely as any other Eccleſiaſtick Prelat had at any time by-gone; and that all Biſhopricks ſhall be diſponed to actual Preachers. Which proves that in time of *Popery*, and ever until that time 1597, this privilege of Voting in Parliament was granted to the Kirk, and only to the ſpecial Perſons, who by virtue of their Office did repreſent the Kirk; which is alſo clear from the Act of Annexation, *anno* 1587, whereby all the Temporalties of Benefices were annexed to the Crown. Notwithſtanding whereof they did ſtill vote in *Parliament*, in name of the Kirk, having no Temporalities at all, till the *Parliament*, *Anno* 1606. Wherein it is clear in the Act of the Reſtitution of the Eſtate of Biſhops, and alſo in the *6th* Act of *Parliament*, *Anno* 1609, that Vote in *Parliament* is given to the Prelats, as one of the Liberties and Privileges granted to the Kirk, whom they did repreſent, and did ever ſit *pro Clero* on his Majeſty's right hand, and voted in the name of the Kirk. But ſeeing in the late *General Aſſembly* holden at *Edinburgh*, after particular enquiry anent the true and real Cauſe of the Evils which did ſo much trouble the Peace of that Kirk and Kingdom, it is found, that the Government of the Kirk by Biſhops, and Civil Power and Places of Kirk-men, eſpecially their voting in *Parliament*, amongſt other Novations brought into that Kirk, were two main Cauſes of thoſe Evils. And that the *Spiritual Aſſembly*, by conſent of your Majeſty's Commiſſioner, repreſenting your Royal Power and Perſon, hath removed Epiſcopacy out of the Kirk of *Scotland*, and declared all Civil Places and Power of Kirk-men to be unlawful in that Kingdom, as contrary to the Confeſſion of Faith, and Conſtitutions

15 *Caroli.*

'ſtitutions of the Kirk, and hath ratified the Covenant, ordaining all 'the Subjects to ſubſcribe the ſame, with the *General Aſſembly's* Ex- 'planation in that ſence. And your Majeſty being obliged to ratify 'the Concluſions of the *Aſſembly* in Parliament; it doth neceſſarily 'follow, That Biſhops (who uſurped to be the Kirk, and did in the 'Name of the Kirk repreſent the third Eſtate) be taken away: which 'alſo by neceſſary conſequence doth infer, that there be an Act of 'Conſtitution of the Parliament without them; and an Act of Re- 'pealing the former Laws, whereby the Kirk was declared the *Third* 'Eſtate, and that the Biſhops did repreſent the Kirk; both which the 'Kirk hath now renounced and condemned as a Detriment and Pre- 'judice incompatible with her Spiritual Nature. Neither doth the 'paſſing thoſe Acts wrong the Kirk nor State, nor diminiſh your Ma- 'jeſty's Princely Power, as was demonſtrated by that which was ſpo- 'ken to your Majeſty the third of *March*, and which we did yeſter- 'day preſent to your Majeſty in writing, which for brevity we for- 'bear to repeat. And if your Majeſty's Commiſſioner deny that he 'did aſſent to the Act of the *Aſſembly* the 17*th* of *Auguſt* laſt, where- 'by Epiſcopacy and the Civil Places and Power of Kirkmen, and 'ſpecially their voting in Parliament, was declared to be unlawful, as 'being contrary to the *Confeſſion of Faith*, and Conſtitutions of the 'Kirk; and that he did approve that all the Subjects ſhould ſubſcribe 'the *Confeſſion of Faith*, with the *Aſſemblies* Explanation thereof, we 'offer to prove the ſame by the very Acts of the *Aſſembly*, and Re- 'cords thereof, bearing his aſſent, firſt verbally, and afterwards given 'in by writing.

Thirdly, 'The Reaſon of that *Article* which craveth, That every 'Commiſſioner of a Shire ſhould have a ſeveral Vote, appears in the 'very Propoſition it ſelf: for that any who by the Laws of the King- 'dom, and by their Commiſſions, comes authoriſed as Commiſſio- 'ners to Hear, Treat, and Determine in Parliament, and yet not to 'have a Deciſive Voice, ſeems to be *repugnantia in adjecto*; and that 'by the ancient practice the whole Burroughs and Freeholders in that 'Kingdom had Vote in Parliament, may be ſeen in ancient Records 'of Parliament; as in the Raign of King *James* the Second, in the 'old Acts of his Parliament, *fol.* 20, 33, and 36. In the Raign of 'King *James* the Third, the 14 *Parl.* and 112 *Act.* Alſo in the Raign 'of King *James* the Sixth, the Parliament begun the 15*th* of *Octo- 'ber* 1587; which Parliament being convened and continued, all 'Free-holders are thereby enjoined to come to the Parliament to 'treat and conclude upon things needful: Notwithſtanding whereof 'no ſuch Privilege was claimed, but only craved the Declaration and 'Determination of the Parliament, whether each Commiſſioner of the 'two ſent from a Shire, have right in Law of a ſeveral Deciſive Voice; 'which if at any time it had bin marked otherwiſe, they alleaged 'the ſame proceeded from the Ignorance, Error, or Corruption of the 'Clerk: And as the Burroughs and Free-holders are the far greateſt 'part of the Body of the Kingdom, and that all of them of old had 'Voice in Parliament, till their abſence by ſome late Acts, ſpecially 'the 10*th Act. Parl.* 7. *Jac.* 1. and *Parl. An.* 1587. *Jac.* 6. is diſpens'd 'with, and they exempted from neceſſity of coming, and Unlaws, '(*id eſt*, Forfeitures) which they were liable to pay for non-appear- 'ance, providing they ſend Commiſſioners in their Names to Vote in 'Parliament;

An. 1639. 'Parliament; and therefore they think it agreeable both with Law and 'Reaſon, That every one of theſe few Commiſſioners, who do repre- 'ſent ſo many, ſhould have a ſeveral Deciſive Voice. And the *Act* of 'Parliament made by King *James* 6, *An.* 1587. bears, That the Com- 'miſſioners of Shiers ſhall be equal upon Articles with Burroughs, and 'ſhall have Voices in Parliament. The meaning whereof doth import, 'That every one of the ſaid Commiſſioners ſhall have a Deciſive 'Voice, becauſe *quod de omnibus dicitur de ſingulis dicitur.* And if 'both the Commiſſioners of one Shire ſhould have but one Deciſive 'Voice, then it would follow that every one of them hath but half 'a Voice; and conſequently when one is abſent, the other being pre- 'ſent ſhould have no Voice; and one could not be choſen upon the '*Articles* without the other: both which are contrary to Reaſon and 'Cuſtom; and it is undeniably true, and conſtant by continual Cu- 'ſtom, that when there is only one of the Commiſſioners of a Shire 'choſen upon the *Articles*, that one by himſelf, without con- 'courſe of his Colleague, hath a pleanary Voice in *Articles*. 'Therefore it follows neceſſarily, that as every one of the two Com- 'miſſioners have a full Voice in *Articles*, ſo every one of the two 'ſhould have a full Voice *per ſe*, and ſeverally in Parliament, other- 'wiſe every one of them could have but half a Voice in Parliament, 'and a full Voice in *Articles*.

Fourthly, 'And the *Act* given in anent the Burroughs Voices, is 'not to demand or crave any new thing or Innovation, or new Pri- 'vilege to be granted them, but only craves the Declaration and De- 'termination of Parliament, which in juſtice may be craved by any 'who deſires their right to be cleared.

Fifthly, 'Neither is there any ſuch thing moved in Parliament, as 'the chuſing of any other Clerk, but it was humbly craved that ſome 'ſhould be allowed from the Parliament to ſit by the Clerk, to mark 'that the Voices were rightly enumerated.

Sixthly, As for that *Article* whereby it is craved, That every Eſtate 'may chuſe their own Lords of *Articles*, or elſe that they may be cho- 'ſen by the whole Parliament, is agreeable to the Liberty of all free 'Judicatories, who have power to chuſe their own preparative Com- 'mittees; who except they be choſen by the Judicature it ſelf, or by 'thoſe whom they do repreſent, cannot be poſſibly reputed to have 'any Power from them; and they can only Propound and Voice in 'Parliament in Name of thoſe who did chuſe them, and gave them 'power; and what they do in Name of thoſe who did not delegate 'them, is *à non habente poteſtatem.* But becauſe the Reaſon of this '*Article* is more fully cleared in one of our former Anſwers, anent 'the power of *Articles*, (which is incident to this) we remit it to our 'former Anſwers.

Seventhly, 'The Reaſons of that Act, deſiring that Proxies may be 'diſcharged, and that no Patent of Nobility be granted to any ſuch 'as have not 10000 Marks of yearly Rent in *Scotland*, as is con- 'tained in the *Act* it ſelf. And it ſeems not to be agreeable to Rea- 'ſon and Equity, that the Honour and Power of Voting in Parlia- 'ment, which is conferred on Noblemen and their Succeſſors perſo- 'nally, and whereby they have power to Reaſon, and Voice, and 'Judg, according to Law and Conſcience, can be entruſted to ano- 'ther with an implicit Faith, to determine and give the Judgment of

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'the Granter of the Proxie in Matters of higheſt moment concerning 'Religion, your Majeſty's Service, and the Good of the Country, 'before the Granter thereof knew ſo much as was to be propounded. 'And as concerning the ſecond part of the *Act*, craving, That no Pa- 'tent of Nobility may be granted to any other who are not Natives, 'but ſuch as have 10000 Marks of Land Rent in that Kingdom, the 'ſame was remitted, and recommended to the Commiſſioner to be re- 'preſented and remonſtrated (with the Reaſons thereof) to your 'Majeſty, whoſe Gracious Anſwer therein they now expect.

Eighthly, 'As concerning the Book intituled, *A Large Declaration*; 'The General Aſſembly taking notice thereof, and conceiving that 'thereby both your Majeſty, the Kirk, and Common-Wealth were 'wronged, therefore they gave a Supplication to the Commiſſioner, 'and Lords of your Majeſty's Privy-Council, humbly craving to re- 'preſent the ſame to your Majeſty's Conſideration: Like as in the 'Articles of Parliament, the States did humbly recommend the Aſ- 'ſemblies Supplication to the Commiſſioner for obtaining the deſire 'of the ſaid Supplication: Neither did they know a more humble 'and reſpective way for redreſs and removing of the Imputations 'which lies upon them by occaſion of that Book; concerning which, 'amongſt the other Particulars recommended to the Commiſſioner 'to be repreſented to your Majeſty, they do confidently expect the 'return of your Gracious Pleaſure.

Ninthly, 'As concerning that Propoſition, whereby it is deſired, 'That the Commiſſioners for Shires may be allowed to give in a Roll 'of Free-holders, out of which the Juſtices of Peace are to be cho- 'ſen: The Reaſon of that Deſire is, Becauſe the Commiſſioners of 'each ſeveral Shires know beſt who are ableſt and fitteſt Men within 'their own Shires for your Majeſty's Service, and good of the Coun- 'try, which is no ways craved to derogate from your Majeſty's Power 'of chuſing, but only as expedient to be paſt or refuſed, as your Ma- 'jeſty and the Parliament ſhall think fit.

Tenthly, 'As for that *Act* concerning the Diſorders in the North; 'The Reaſon why the ſame was craved, did reſult from the Com- 'plaints and Grievances againſt the Thefts, Oppreſſions, Slaughters, 'and great Inſolencies committed there divers Years by-gone, and of 'late in thoſe parts; the Redreſs and Remedy whereof, and for keep- 'ing Peace in that part of the Country, deſires your Majeſty's Conſi- 'deration and Juſtice; and all that we remember was required of the 'Parliament, was only, That the former Acts of Parliament made for 'puniſhment of thoſe Rapines and Oppreſſions, might be revived with 'further Additions, as your Majeſty and the Parliament ſhould find 'expedient and conduceable for the Peace of the Country, which 'we hope your Majeſty will ever tender.

Eleventhly, 'The Reaſon of that Act craving the Council to be 'Subalterne and Cenſurable by the Parliament, is from Warrant of 'former Laws cited in the *Act* it ſelf, wherein there is no more craved, 'but that the former *Acts* of Parliament againſt Liars, and makers of 'Diviſion betwixt the King and his Subjects, may be revived; and 'that the Seſſion and Council may be countable to your Majeſty and 'Parliament for any Injuſtice that ſhall happen to be committed by 'them.

Twelfthly,

An. 1639. *Twelfthly*, 'Where it is alleaged there was an *Article*, That no 'Taxation ſhould be granted but in plain Parliament; we remember 'of no ſuch *Article*, nor ſuch Motion propounded.

13. 'As concerning the *Act of Pacification*, the Warrant and 'Ground thereof flows from the humble Petitions and Remonſtran-'ces of your Majeſty's Subjects, when they did clear their Loyalty, 'and made offer of their civil and dutiful Obedience to your Majeſty; 'which by their humble Supplication to your Majeſty's Commiſſioner, 'to the Lords of the Council, and to the States of Parliament, inſer-'ted and regiſtred in the Records thereof, they have again ſolemnly 'renewed, and from your Majeſty's Favour in condeſcending to the '*Articles of Pacification*, wherein your Majeſty was graciouſly plea-'ſed that an *Act of Pacification or Oblivion* ſhould be paſt; And in 'the Narrative of the *Act* it ſelf, there is an humble and thankful ac-'knowledgment of your Majeſty's Juſtice and Goodneſs, and is drawn 'up in ſuch Terms as was conceived might beſt expreſs your Majeſty's 'Fatherly Care and Goodneſs towards your Ancient and Native King-'dom, without wronging the true loyal Meaning and Intention of 'your Majeſty's Subjects. And as for the Body and legal Part of the '*Act*, the ſame was after much debating framed, with advice of 'Lawyers, and conſented unto by the Parties chiefly intereſſed.

14. 'As to that *Article* anent particular Commiſſions of Juſticiary 'and Leiftenantry, all that was intended or deſired thereby was, That 'the Abuſes of thoſe Commiſſions might be in all humility repreſen-'ted to your Majeſty by your Commiſſioner; and that your Majeſty 'might be graciouſly pleaſed to grant the like Commiſſions only upon 'weighty and neceſſary Cauſes, and to endure only during this time 'of neceſſity; and the In-givers of that *Article* were content to have 'it reformed that way.

15. 'As concerning that *Article* given for Sheriffs and Stewards, 'craving, That they may only be obliged to produce Horning for the 'Taxations; it is not a new Deſire, but that which hath bin craved by 'them in divers former Parliaments; and they think that production 'of Horning againſt the Perſons liable in paiment ſhould be an exo-'neration to them, becauſe they alleage they want many of the Ca-'ſualties, Benefits, and Powers which Sheriffs had of old by virtue of 'their Offices.

16. 'As concerning the Propoſition made anent the *Patent for* '*Gunpowder*; all that we remember was craved by the Ingivers of that '*Article* was, That in reſpect the Earl of *Linlithgow's Patent* was 'void by a Clauſe irritant in his Patent, whereby he was obliged to 'keep the Work going, was now decayed, and ſo the Country fru-'ſtrate of the Benefit and Profit which might have accrued to them 'by that Commodity: It was therefore thought fit to be allowed to 'any who were moſt fit and able to undergo the work of making of 'Powder.

17. As for the *Act* given in for diſcharge of Remiſſions for Mur-'der, Slaughter, Theft, but upon ſatisfaction to the Party; all which 'was intended thereby, was only, That the heavy Prejudices re-'dounding to the Country by Remiſſions purchaſed upon miſinforma-'tions, might be by Supplication preſented to your Majeſty's Conſi-'derations, that by your Majeſty's Juſtice and Goodneſs, the like In-'conveniencies may in time coming be prevented.

18. 'As

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18. 'As for the *Act* craving the diſcharge for Protections; it was 'nothing but the reviving of two former *Acts* of Parliament, *viz.* 'the 47 *Act Parl.* 11. and 15 *Act Parl.* 23. of King *Ja.* 6. without 'any other derogation to your Majeſty's Power or Authority, which 'was done with the Commiſſioner's conſent.

19. 'As for the *Act* concerning *Common Relief.* The Reaſon is, 'Becauſe as the Bleſſings of Religion and Peace, which from your 'Majeſty's happy Government, and fatherly Affection to your Maje-'ſty's Ancient and Native Kingdom, (eſpecially at this troubleſome 'Time) are common Benefits, whereof every good Subject ought to 'be ſenſible, ſo it is agreeable with Reaſon and Juſtice, that according 'to their Intereſt, every one may contribute a proportionable part of 'the Charges which hath bin ſpent for ſo good ends; and the ordinary 'Cauſe for which Taxations are granted, are *ad relevationem Imperii* 'ob conſervationem Libertatis, ac Dignitatis, ac Religionis, vel utilitatem 'communem ſubditorum: Wherefore albeit ſome be adverſe, yet the 'Conſent and Voices of the moſt part ſhould oblige for theſe ends; 'whereunto your Majeſty's Conſent & Royal Authority is humbly cra-'ved to be added, that the ſame may flow from your Majeſty's Juſtice 'and Goodneſs, and have execution to inferior parts thereof, ſince 'the whole Commiſſioners of Shires and Burroughs, and the whole 'Nobility (very few excepted) are content freely and willingly to 'make offer of their proportional part thereof.

20. 'As for that *Article* craving the *Act* 1633, ordaining that Con-'formations and Infeoffments of Ward-lands ſhall not prejudg the 'King's Ward to be repealed; there was no Diſpute nor Concluſion 'made there anent in *Articles*, neither (as we remember) was it cra-'ved by that *Article*, that the *Act* 1633 be repealed ſimply, but that 'the meaning of that Act may be explained and interpreted.

21. 'As for the Article or Act anent the Duty paid to the Conſer-'vator upon Coal; The ſame was craved to be diſcharged by the Coal-'Maſters, becauſe it was an unlawful Exaction, which he had no 'Warrant to exact by his Gift, which was inſtructed in Articles by 'production of his Gift, whereupon the Act was paſt in Arti-'cles.

22. 'The Article craving Ammunition and Arms brought in, to be 'Cuſtom-free, is warranted in Law in ſo far as the Commodities ex-'ported or imported for the particular uſe of Noblemen, Barons, 'and Free-holders, which are for the King's uſe, and not to be ſold 'again, are by Act of Parliament declared to be *Cuſtom-free.*

23. 'As concerning the Articles anent the Election of the Preſi-'dent of the Seſſion, and Admiſſion of the Judges preſented by his 'Majeſty: There was no new thing craved thereby, but the Ratify-'ing and approving the 39 *Act Parl.* 6. King *Ja.* 6. 1579. and that 'allanarly, ſo far as concerns the freedom of Election to be made by 'the Senators of the College of Juſtice of the Preſident thereof, 'without any other Clauſe of the ſaid Acts; neither doth the Act gi-'ven in bear any thing concerning the admiſſion of any other Judges 'preſented by your Majeſty.

24. 'As for the Article anent Stateſmen being Noblemen to have 'but one Voice; We remember nothing of any ſuch Queſtion.

25. 'As to the laſt Propoſition concerning the Oppoſition made 'by the reſt of the Clerks againſt Mr. *William Hay*'s deputation in his

An. 1639. 'Father's Place, the Commiſſioner to whom they did produce their 'Reaſons in Writ can beſt give account thereof. And albeit we have 'in Obedience to your Majeſty's Commandment (according to our 'bounden Duty) ſhewn the Reaſons why theſe Propoſitions (where-'of your Majeſty hath taken notice as prejudicial to your Authority) 'were demanded; yet many of theſe Propoſitions are of ſo ſmall 'moment (being only and meerly about the intereſt of private Per-'ſons) as they are of no publick Concernment, *& de minimis non 'curat Lex*; nor doth the *Parliament* ſtick upon theſe, or any other 'Articles of that kind, any further than they have Warrant of Law, 'and your Majeſty and Eſtates ſhall find them convenient for the 'good of your Subjects.

The Concluſion.

'By all which it is moſt evident and perſpicuous to any who ſhall 'without prejudicate Opinion, read and conſider the former Proceed-'ings, that we have no new Deſires, but thoſe only which are con-'tained in our former Petitions and Remonſtrances made to his Maje-'ſty, which are agreeable to the Fundamental Laws and Laudable 'Practices of that Kingdom, and to the *Articles of Pacification*; and 'that our chief and main Deſires are, for Ratifying the Concluſions 'of the *Aſſembly*, for removing of Epiſcopacy, and the Civil Places 'and Power of Kirkmen, which is condemned in the *General Aſſembly*, 'with conſent of his Majeſty's Commiſſioner, as contrary to the *Con-'feſſion of Faith*, and Conſtitutions of that Kirk, and which his Maje-'ſty is obliged to ratify in *Parliament*. And that Religion is the only 'Subject, Conſcience the Motive, and the enjoying of our Religion 'the only aim and height of our Deſires; and whatſoever is craved in 'Civil Buſineſs, is mainly for the eſtabliſhing and preſervation of Reli-'gion; for obtaining which, we have never ſtrayed from the humble 'and loyal way of a legal Redreſs, and are but ſeeking the perfor-'mance and conſummation of what his Majeſty was graciouſly plea-'ſed to condeſcend unto, and promiſe in his Declaration of *Pacifica-'tion*. And as concerning any other demand about Civil Matters re-'quired or propounded in *Articles*, albeit it be moſt ſure from by-'gone Experience, that the Corruption and Thraldom of the Parlia-'ment hath bin the occaſion of the Corruption and Thraldom of 'our Kirk; and that it is moſt evident, by all the Regiſters and Re-'cords of our Laws, That the cognition and deciſſion of thoſe *Arti-'cles* doth properly belong to the Parliament; and that we have pro-'ceeded upon no other Grounds, than the Laws and Ancient Practi-'ces of that Kingdom, (never before queſtioned, but inviolably ob-'ſerved as the only Rule of our Government); yet it hath bin of-'fered that we would not adhere, nor ſtick upon any of thoſe *Arti-'cles* for Civil Buſineſſes, but only upon ſuch as were abſolutely ne-'ceſſary for eſtabliſhing of Religion, and the Peace of the Kingdom, 'without the leaſt trenching upon his Majeſty's Authority: Like as 'the *Articles* themſelves are no Concluſions, but only Motions and 'Deſires propounded to the *Lords of Articles* to be prepared for the 'Parliament: That after his Majeſty and Eſtates have adviſed and 'pondered upon the Reaſons and Equity of thoſe Demands, they may 'either enact or refuſe the ſame, as in their Judgments they ſhall

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'think moſt expedient; and ſo the proponing of thoſe Demands up-
'on reaſonable and legal Terms, and which are ſo juſtifiable both in
'Law and Practice, can never give juſt occaſion of his Majeſty's In-
'dignation and Diſpleaſure, far leſs can the ſame be any Ground or
'Cauſe to incenſe his Majeſty to uſe that Power which God hath put
'in his Hands for Maintenance of Religion, and Adminiſtration of
'Juſtice, to the overthrow and deſtruction of his Subjects, who are
'ready to give ample and real Teſtimony before God and the World
'of their loyal and dutiful Obedience to his Majeſty; wherefore the
'Occaſion and Cauſe of Wars may be ſought elſewhere without the
'bounds of the *Aſſembly* and *Parliament*, which are the ſupream and
'lawful Judicatories of that Kingdom, by which, next under God,
'the Purity of Religion hath bin conſerved, his Majeſty's Authority,
'and the Liberties of the Kingdom have ever bin upholden. But it is
'as clear as the Meridian Light, that all our Troubles and Commotions
'do proceed from thoſe Churchmen juſtly ejected from this Church,
'who being hopeleſs to regain their former condition, (if all things
'take a legal, fair, and orderly Concluſion in *Scotland*) do ſpightful-
'ly labour to bring Church and State (from whence they came) to
'confuſion, and to re-enter by force of the *Engliſh*, with aſſiſtance of
'ſuch as are popiſhly affected, and of ſome diſnatur'd Countrymen,
'who for their own ends thinking to reap Fruit from the ruin of
'others, and delight to fiſh in troubled Waters, for bettering of their
'own Condition, (otherwiſe deſperate) or for preventing the Cha-
'lenges and Puniſhments they have juſtly deſerved, and that their
'Faults may be drown'd, and themſelves eſcape in the midſt of ſo
'great a confuſion. And becauſe the Prelats and ſuch as are popiſhly
'affected, can hardly by themſelves alone afford ſo much Mony as to
'entertain a conſtant War, they have aſſented to a Parliament, where-
'in they expect upon ſome fair promiſes of removal of ſuch things as
'are grievous unto you for the preſent, to allow you to open your
'Purſes wide, and to contribute largely with your Means and Aſſi-
'ſtance againſt us, that when they have by force ſubdued us, they
'may the more eaſily eſtabliſh their Tyrannical Hierarchy over you;
'but we hope that the God of all Truth and Wiſdom, who hath
'wrought all our Works for us, and doth offer you this fair opportu-
'nity, will give you Courage and Wiſdom, that you ſuffer not your
'ſelves to be deluded; but that as thoſe whom God hath joined
'with us in one Iſland, and under one King, and are as feeling Mem-
'bers of that Myſtical Body, whereof Chriſt is the Head, you will
'have a ſympathy with us of thoſe great preſſing Evils which do ſo
'much trouble the Peace of both our Kirks and States, and will by
'the Effects and Streams, be led to the Cauſe and Fountain of the
'Diſeaſe, that the ſame may be perfectly cured; which can come to
'paſs no other ways, than by taking away the Wicked from before
'the King, that his Throne may be eſtabliſhed in Righteouſneſs; and
'we ſhall henceforth, from the influence of his Government, reap
'the ſweet Fruit of Truth and Peace; and (God getting what is
'God's) we ſhall live together like Brethren in a bleſſed harmony,
'and pay to our *Cæſar* the Tribute of chearful Obedience, which be-
'cometh Good and Faithful Subjects.

An. 1639.

His Majeſty's Declaration in Council concerning the Scots *Commiſsioners ſent up unto his Majeſty from the Parliament in* Scotland.

At *Whitehall* the 11*th* of *March*, 1639.

'THis day his Majeſty being preſent in Council, was pleaſed himſelf to make known to the Lords, what had paſſed at the Committee appointed by his Majeſty, to hear thoſe Lords and Gentlemen that came lately from *Scotland*, pretending to be ſent from the Parliament there.

'In the firſt place his Majeſty acquainted the Lords, That after thoſe *Scotiſh* Lords and Gentlemen had ſubſcribed the Petitions which they had formerly preſented to his Majeſty, and had bin read at the Board, order was given to the Earl of *Traquair*, his Majeſty's Commiſſioner, to aſſign them a time to be heard of the Committees; which falling out to be at the time of his Majeſty's being at *Hampton-Court*, they refuſed to come to the Committee, alleaging, That they had Order and Inſtruction to Treat with none but his Majeſty himſelf: Whereupon his Majeſty appointed them to attend him at the Committee on the day of his remove to *Hampton-Court*, which was the third of *March*; at which time they did attend his Majeſty accordingly.

'The Earl of *Dunfermling* ſpake firſt, but very ſhort, and ſo low that few of the Committee underſtood him.

'Then the Lord *Loudon* made a long Speech, the effect whereof was, 'A Proteſtation of the Independency of the Parliament of *Scotland*, 'and that it was ſubject to no other Judicatory; and a profeſſion of 'their Affection and Loyalty to his Majeſty, with a Juſtification of 'their Proceedings in the Aſſembly and Parliament, as agreeable to 'the *Articles of Pacification*, and to the Laws and Practices of that 'Kingdom; and thereupon deſired, That his Majeſty would ratify 'and confirm thoſe their Proceedings. And for that purpoſe they petitioned his Majeſty to command that the Parliament might proceed 'freely, for the determining of all the *Articles* delivered unto them, 'for the eſtabliſhing of Religion and Peace in the Kingdom; undertaking that whatſoever Objections or Informations ſhould be made 'againſt their Proceedings in Parliament, (provided they received 'them in writing) they would give a ſatisfactory anſwer to them.

'This Diſcourſe ended, his Majeſty demanded what Power and 'Commiſſion they had to give him ſatisfaction, and to oblige thoſe 'from whom they came? for if they had none, He muſt hear them 'upon great diſadvantage, they expecting Satisfaction from him who 'had certainly Power to give it, but they had no Commiſſion to render the like to him.

'They anſwered, That which they ſhould propoſe (it being agreeable to Law) they were confident ſhould give his Majeſty Satisfaction.

'His Majeſty asked who ſhould be Judg of that? They anſwered, 'The Law would appear ſo clear that there would be no need of a 'Judg.

'Judg. And though his Majeſty inſiſted much hereupon, they would 'give him no other Satisfaction. But they perſiſting to aſſert they had 'Power and Commiſſion, and would bring them to his Majeſty; 'they were ordered to do ſo at the next Meeting, and ſo for that time 'they were diſmiſſed.

'Upon the 9*th* of *March*, after his Majeſty's return from *Hampton-Court*, they attended his Majeſty at the Committee again. There 'they produced Inſtructions ſigned by ſome *Scotiſh* Lords, and ſome 'other Perſons of no great eminency; which Inſtructions having bin 'read, were judged by his Majeſty, (all the Lords of the Committee 'concurring in the ſame Opinion) to be no Commiſſion, and that 'they had no Power or Authority by them to give his Majeſty Satiſ-'faction, or to oblige thoſe from whom they ſaid they came, to any 'thing that his Majeſty ſhould yield to or deſire. Wherefore his Ma-'jeſty demanding whether they had any other Power? they ſaid, They 'had a Paper formerly ſubſcribed by ſome of the Lords in Parlia-'ment, by which the Earl of *Dunfermling* and Lord *Lowdon* were on-'ly authorized to come, and preſent their Juſtification to his Majeſty, 'and ſaid, they could for the preſent have no other, the Parliament 'then not ſitting. Whereupon they were required to withdraw, and 'his Majeſty adviſing ſeriouſly with the Committee what was beſt to 'be done in this weighty Buſineſs; and alſo conſidering, That if 'they ſhould be diſmiſſed without further hearing, they would take 'occaſion to clamour, His Majeſty reſolved (that although he found 'himſelf bound neither in Honour nor Juſtice to hear them any fur-'ther, (they having offered no Foundation for an Accommodation, 'nor having Power to do it) yet to the end that no colour of ſini-'ner Conſtruction might be left, and that his Majeſty might juſtify 'himſelf to God and the World, that he had omitted nothing on his 'part that might tend to Peace, and to the ſetling of a better Intelli-'gence between his Majeſty and them) that he would continue to 'hear them, and would make his Objections to ſuch Particulars as 'had bin propoſed in Parliament, and againſt which he had juſt 'grounds of Exception, that ſo it might appear whether they could 'give him that ſatisfaction which they had promiſed and preſumed they 'could do, or not.

'Upon this they were called in again, and his Majeſty making this 'known unto them, not one of them made ſhew of the leaſt ſenſe of 'this his Majeſty's Grace and Goodneſs ſo expreſſed to them; which 'the Lord Marqueſs *Hamilton* obſerving, took occaſion of himſelf to 'ſay, That though he was not of their Company, yet being a *Scots* 'Man, he held himſelf obliged to acknowledg with all humility this 'his Majeſty's ſingular and princely Favour to his Country, and be-'ſought him to accept his moſt humble thanks for it. This drew 'them on to do the like, and ſo they preſented their humble Thanks 'to his Majeſty on their knees.

'His Majeſty having thus acquainted the Lords with this Buſineſs, 'commanded the Inſtructions to be read at the Board; which being 'done, the whole Board unanimouſly concurred in Opinion, that the 'Petitioners had not Power nor Commiſſion to give his Majeſty Sa-'tisfaction, but only to endeavour to juſtify and maintain their for-'mer Proceedings. Whereupon his Majeſty commanded this Judgment

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'of the Board, together with the former Proceedings upon the whole 'Matter, to be paſſed into an Act of State, and to be regiſtred and 'remain upon Record in the Council-Book.

'Upon *Wedneſday* the 18*th* of *March*, his Majeſty being in Council 'again, was pleaſed to acquaint the Board with what had paſſed at 'the Committee ſince the former Meetings, and that the Petitioners 'had produced the Paper above-mentioned, ſubſcribed by ſome of 'the Lords of *Scotland* in Parliament; by which the Earl of *Dunferm-* 'ling and the Lord *Lowdon*, only were heretofore authorized to come 'and preſent their Juſtification to his Majeſty; which Paper his Ma- 'jeſty having commanded to be read to the Board, the Lords unani- 'mouſly then alſo agreed that the Petitioners had no more power by 'this Paper.

His Majeſty's Declaration, concerning his Proceedings with his Subjects of *Scotland*, ſince the Pacification in the Camp near *Berwick*.

By the KING.

'WE did make account that the *Pacification* which We 'were pleaſed to condeſcend unto the laſt Year in the 'Camp near *Berwick*, and to grant to our Subjects of '*Scotland*, even then when they were in the height 'of their Rebellion, and in the Field in Arms againſt Us, had given 'ſuch demonſtration to the World of Our inclination to Peace, and 'deſire to ſpare the Blood of our People, and to win them to the 'Obedience which they owe unto Us, as that all miſunderſtandings 'had bin utterly taken away, (as they were on Our part) and that 'ſuch Conditions as were then agreed upon, ſhould have bin really 'performed by them, according to thoſe Bonds of Allegiance, Duty, 'and Promiſe in which they ſtand obliged to Us. But We have ſince 'found, to Our unexpreſſible Grief, that our Princely Goodneſs and 'Mildneſs in paſſing by that Offence, hath produced nothing but ex- 'tream Ingratitude, and inſufferable Inſolencies againſt our Govern- 'ment. And farther, by ſundry libellous Pamphlets, and moſt falſe 'and ſeditious Diſcourſes ſent from *Scotland*, and diſperſed purpoſely 'in this our Kingdom of *England*, eſpecially in our City of *London*; 'that the Cauſe of theſe Diſorders is ſought to be ſhifted off from the 'Rebels in *Scotland*, and moſt unjuſtly caſt upon Us. Wherefore We 'hold our Self bound, in that Duty which we owe to God, and love 'to Truth, not to ſuffer our Honour to be thus betrayed and vilified 'by Faction and Rebellion, but to vindicate it from all Calumny and 'Clamour, by giving hereby a clear and juſt account to all the World

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'of our Proceeding with our Subjects of that our Kingdom, and of 'the moſt material and remarkable Occurrences ſince that Pacification, 'that ſo all thoſe that are not partial, or will not wilfully ſhut their 'Eyes againſt the Truth, may judg who they are that have bin the 'Diſturbers and Infractors of the Peace, and that under the Mask and 'Viſor of Religion, ſeek to undermine and ſubvert all Monarchical 'and Civil Government. Which account follows thus.

'After We had bin ſome time in the Camp near *Berwick*, and that 'Our Subjects of *Scotland* had encamped with their Army in view of 'Ours; upon an Overture from them, We were contented to conde-'ſcend to the receiving of a Petition, in which it is expreſſed, That '*they, falling down at our Feet, did moſt humbly ſupplicate Us to appoint 'ſome of this our Kingdom of* England *to hear; by ſome of them, their 'humble Deſires.* Which We having granted, and ſeveral Meetings 'by thoſe of both Kingdoms having bin held; at all which our Self, '(to ſhew Our hearty and earneſt Deſire to meet our Subjects in a 'peaceable way) were contented to be preſent (much beyond their 'own expectation, as they have ſince acknowledged, and We are 'ſure, exceedingly beyond their Merit); at the laſt thoſe of *Scotland* 'were commanded to make their Demands in Writing, in which after 'they had preſented their Deſires, (of which one was, That the Acts 'of the late Aſſembly at *Glaſgow* holden by our Indiction, might be 'ratified in the enſuing Parliament) they profeſs, *It is their grief that 'We ſhould have bin provoked to Wrath againſt them Our moſt humble and 'loving Subjects, and that it ſhall be their delight, upon Our gracious aſſu-'rance of the Preſervation of their Religion and Laws, to give example to 'others of all Civil and Temporal Obedience which can be required or ex-'pected of Loyal Subjects.*

'Whereupon We letting them know, that for the better clearing of 'Particulars, We expected from them the Grounds and Reaſons of 'their Deſires, but that We would not ſurpriſe them, and therefore 'gave them time to come prepared with their Grounds in Wri-'ting.

'The Lord *Lowdon* ſaid, *Their Deſires were only to enjoy their Reli-'gion and Liberties, according to the Eccleſiaſtical and Civil Laws of the 'Kingdom; and in clearing Particulars, they would not inſiſt upon any 'that were not ſuch.*

'This We willed him to ſet down in writing under his Hand, which 'he did in theſe words.

'Memorandum, *That our deſires are only the enjoying of our Religion 'and Liberties, according to the Eccleſiaſtical and Civil Laws of his Ma-'jeſty's Kingdom; to clear by ſufficient Grounds, that the Particulars 'which we humbly crave, are ſuch, and ſhall not inſiſt to crave any Point 'which is not ſo warranted: And that we offer all Civil and Temporal 'Obedience to your Majeſty, which can be required or expected of Loyal 'Subjects.*

Signed, Lowdon.

'To which We anſwered, That if their Deſires were only the en-'joying of their Religion and Liberties, according to the Eccleſiaſti-'cal and Civil Laws of our Kingdom of *Scotland*, We do not only 'agree to the ſame, but ſhall always protect them to the uttermoſt of 'our

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'our Power. And if they ſhall not inſiſt upon any thing but that 'which is ſo warranted, We will moſt willingly and readily conde- 'ſcend unto it, ſo that in the mean time they pay unto Us that Civil 'and Temporal Obedience which can be juſtly required and expected 'of Loyal Subjects.

'This being the Ground of the Agreement on both ſides, We 'were pleaſed to proceed to a final Determination of this Buſineſs; 'which was brought to a Concluſion upon the 17*th* of *June*, 1639. 'And our Declaration of that Date conformable to theſe Grounds 'was thereupon made, which was not only accepted by thoſe that 'came in the Name of all thoſe of the Covenant, but moſt humble 'thanks were given to Us by them for Our gracious Anſwer vouch- 'ſafed to their Petition in the ſaid Declaration; which was fully a- 'greed upon, together with ſundry Articles by all Parties.

'The *Pacification* thus concluded, the Articles on both ſides were 'to be performed accordingly. Thoſe on Our part were in the De- 'claration following.

WE having conſidered the Papers, and Humble Petitions preſented unto Us by thoſe of Our Subjects of Scotland, who were admitted to attend our Pleaſure in the Camp; And after a full hearing by our Self of all that they could ſay or alleage thereupon, having communicated the ſame to our Council of both Kingdoms there preſent, upon mature deliberation, with their unanimous Advice, We have thought fit to give this juſt and gracious Anſwer.

THat though We cannot condeſcend to ratify and approve the Acts of the pretended General Aſſembly at Glaſgow, for many grave and weighty Conſiderations which have happened both before & ſince, much importing the Honour and Security of that true Monarchical Government lineally deſcended upon Us from ſo many of our Anceſtors: Yet ſuch is Our gracious Pleaſure, That notwithſtanding the many Diſorders committed of late, We are pleaſed not only to confirm and make good whatſoever our Commiſſioner hath granted and promiſed in our Name, but alſo We are further graciouſly pleaſed to declare and aſſure, that according to the Petitioners humble Deſires, all Matters Eccleſiaſtical ſhall be determined by the Aſſemblies of the Kirk, and Matters Civil by the Parliament, and other inferior Judicatories eſtabliſhed by Law. Which Aſſembly accordingly ſhall be kept once a Year, or as ſhall be agreed upon at the General Aſſembly.

And for ſetling the general Diſtractions of that our Ancient Kingdom, our Will and Pleaſure is, That a Free General Aſſembly be kept at Edinburgh, the ſixth day of Auguſt next enſuing, where We intend (God willing) to be perſonally preſent. And for the legal Indiction whereof, We have given Order and Command to our Council; and thereafter a Parliament to be holden at Edinburgh the twentieth day of Auguſt next enſuing, for ratifying of what ſhall be concluded in the ſaid Aſſembly, and ſetling ſuch other things as may conduce

conduce to the Peace and Good of our Native Kingdom; and therein an Act of Oblivion to be paſſed.

And whereas We are further deſired, that our Ships and Forces by Land be recalled, and all Perſons, Goods, and Ships reſtored, and they made ſafe from Invaſion, We are graciouſly pleaſed to declare, That upon their diſarming and disbanding of their Forces, diſſolving and diſcharging all their pretended Tables and Conventicles, and reſtoring unto Us all our Caſtles, Forts, and Ammunition of all ſorts; as likewiſe our Royal Honours, and to every one of Our good Subjects, their Liberties, Lands, Houſes, Goods, and Means whatſoever, taken and detained from them ſince the late pretended General Aſſembly, We will preſently thereafter recall our Fleet, and retire our Land-Forces, and cauſe reſtitution to be made to all Perſons of their Ships and Goods, detained and arreſted ſince the aforeſaid time. Whereby it may appear, that our intention of taking up of Arms, was no ways for invading of our Native Kingdom, or to innovate the Religion and Laws, but meerly for the maintaining and vindicating of our Royal Authority. And ſince that hereby it doth clearly appear, that We neither have nor do intend any alteration in Religion or Laws, but that both ſhall be maintained by Us in their full Integrity, We expect the performance of that humble and dutiful Obedience which becometh Loyal and Dutiful Subjects, as in their ſeveral Petitions they have often profeſſed. And as We have juſt reaſon to believe, that to Our peaceable and well-affected Subjects this will be ſatisfactory; ſo We take God and the World to Witneſs, That whatſoever Calamities ſhall enſue by our neceſſitated ſuppreſsing of the Inſolencies of ſuch as ſhall continue in their diſobedient Courſes, is not occaſioned by Us, but by their own procurement.

'Theſe Conditions in this Declaration that refer to the Time 'paſt, have bin the moſt part of them already punctually complied 'with by Us, that Clauſe excepted in which We expreſs, We in- 'tended to have bin at the General Aſſembly at *Edinburgh*; which 'yet being but an Intention, We had aſſuredly performed, but that 'We were diverted by the Diſorders committed by Our Tumultuary 'Subjects in *Edinburgh*, upon the Perſons of Our High Treaſurer the 'Earl of *Kinnoul*, Our Juſtice General Sir *James Hamilton*, Counſel- 'lors of that our Kingdom, and divers others Our good Subjects there; 'which gave us juſt cauſe to ſuſpect, that there could be no ſafety for 'our Perſon, among People inraged ſo immediately after our Cle- 'mency ſhewed to them in the *Pacification*.

'But one of the greateſt Diſcouragements We had from going thi- 'ther, was, The refuſing of ſuch Lords and others of that Nation 'whom We ſent for to come to Us to *Berwick*; by which Diſobedi- 'ence they manifeſtly diſcovered their diſtruſt of Us: And it cannot 'be thought reaſonable, that We ſhould truſt our Perſon with thoſe 'that diſtruſted Us, after ſo many Arguments and Aſſurances of our 'Goodneſs towards them.

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'The Articles of *Pacification* agreed upon were theſe.

I.

THe Forces of Scotland to be Disbanded and Diſſolved within eight and forty hours after the publication of our Declaration, being agreed upon.

II.

Our Caſtles, Forts, Ammunitions of all ſorts, and Royal Honours to be delivered after the ſaid publication, ſo ſoon as We ſhould ſend to receive them.

III.

Our Ships to depart preſently after the delivery of the Caſtles, with the firſt fair Wind, and in the mean time no interruption of Trade or Fiſhing.

IV.

We were graciouſly pleaſed to cauſe to be reſtored, all Perſons, Goods, and Ships, detained and arreſted ſince the firſt day of November laſt paſt.

V.

No Meetings, Treatings, Conſultations, or Convocations of any Our Lieges, but ſuch as are warranted by Act of Parliament.

VI.

All Fortifications to deſiſt, and no further working therein, and they to be remitted to Our Pleaſure.

VII.

To reſtore to every one of Our good Subjects their Liberties, Lands, Houſes, Goods, and Means whatſoever, taken or detained from them by whatſoever means ſince the aforeſaid time.

'On *Tueſday* the 18*th* of *June*, thoſe of *Scotland* came to our Pa-'vilion, and there We ſigned the aforeſaid Declaration, and the Ar-'ticles were ſigned by them; who alſo ſigned another Paper of Sub-'miſſion to Us, as followeth.

In the Camp, *June* 18. 1639.

'*In obedience to his Majeſty's Royal Commands, we ſhall, upon* Thurſ-'day *next, the* 20*th of this* June, *diſmiſs our Forces, and immediately 'thereafter deliver his Majeſty's Caſtles,* &c. *and ſhall ever in all things 'carry our ſelves like Humble, Loyal, and Obedient Subjects.*

Signed,

Rothes.
Dunfermling.
Lowdon.
Dowglas.
Alex. Henderſon.
A. Johnſtoun.

'Thoſe of *Scotland* did likewiſe further promiſe and undertake, 'that Our foreſaid Declaration ſhould be read and publiſhed in their 'Army; which was accordingly done by *Lyon* King of Arms of *Scot-'land*, on *Thurſday* the 20*th*, in the preſence of the Earl of *Morton*, 'Sir *Edmond Verney*, and Sir *John Borough*, Our Commiſſioners ſent 'thither to ſee the ſame performed.

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'How theſe Articles have bin performed on their part, comes 'now to be conſidered, and will appear by that which follows.

First, 'Whereas We, by the publication of the Articles of Pacifi-'cation, expected that due reſpect and acknowledgment of our Au-'thority, which might have witneſſed their Loyalty, and ſenſe of 'their Thankfulneſs for ſo great and royal Favour; We found on the 'contrary, that at the very publiſhing of it in their Camp, the ſame 'was met with a Proteſtation, ſo ſcandalous and diſhonourable to our 'Government, as our Subjects were thereby rather encouraged in 'their former mutinous Ways, than reduced to that Obedience which 'they promiſed.

Secondly, 'They delivered into the hands of ſome of our Engliſh 'Nobility, and ſpread among others, a ſcandalous Paper, Intituled, '*Some Conditions of his Majeſty's Treaty with his Subjects of* Scotland '*before the* Engliſh *Nobility, are ſet down here for remembrance.* Where-'in are contained ſuch Untruths, and ſeditious Poſitions, and ſo con-'trary to that which was concluded in the Articles of Pacification, as 'thereby it did plainly appear, that however they pretended a deſire 'of Peace, yet they intended nothing leſs. This falſe and ſeditious 'Paper coming to Our knowledg, was after, by the Advice, and 'upon the humble Petition of our Privy Council here in *England*, and 'particularly by ſuch Noblemen as were pretended by them to be 'Witneſſes to the ſame, ordered to be damn'd by Proclamation, and 'publickly burnt by the Hand of the Hangman; which was done ac-'cordingly.

Thirdly, 'Whereas it was promiſed, That the Forces of that our 'Kingdom of *Scotland*, raiſed without our Warrant, and againſt our 'Self, ſhould be diſbanded and diſſolved within forty eight hours af-'ter publication of Our ſaid Declaration in their Camp; they did 'nevertheleſs for ſome time keep in Body divers Forces, and have 'ever ſince held in Pay almoſt all their Officers, in manifeſt breach of 'thoſe Articles, contempt of our Royal Authority, contrary to the 'Laws of that our Kingdom, and to the great danger of all our Sub-'jects, who did give Obedience to our Commandments there, which 'clearly ſhewed their Intention of putting themſelves again in Arms 'againſt Us.

Fourthly, 'Whereas it was promiſed, That our Forts, Caſtles, and 'Ammunitions ſhould be reſtored ſo ſoon as We ſhould ſend to receive 'them; yet full Reſtitution was not made accordingly. And for the 'Fortification at *Leith*, which was with the reſt remitted to our Plea-'ſure, it ſtands entirely as it did, though We often commanded the 'demoliſhing thereof.

Fifthly, 'It was promiſed there ſhould be no Meetings, Treatings, 'Tables, Conſultations, Convocations, or Conventicles, but ſuch as 'are warranted by Act of Parliament, (and yet We were pleaſed to 'give them Warrant to meet for the ſpace of one Month, to Conſult, 'Adviſe, and Reſolve upon ſuch Affairs and Buſineſſes as concerned 'the Relief of their mutual Burthens only): Nevertheleſs after that 'Time expired, which was on the 20*th* day of *July* 1639, they did, 'and do ſtill continue their unlawful Meetings and Conſultations upon 'Matters of State, both Eccleſiaſtical and Civil, contrary to the Laws 'and Acts of Parliament of that our Kingdom, and Our expreſs War-'rant; In which Conventicles they daily vex and trouble ſuch of our

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Sixthly, 'Whereas all Fortifications were to be remitted to our 'Pleasure to be demolished or continued, and We having given Com-'mandment for the demolishing of them all, raised and built without 'our Warrant; no Obedience is given to the same, but they are still 'continued, to the fostering of Sedition among our Subjects, and the 'disturbance of the Peace of that our Kingdom.

Seventhly, 'Whereas all our good Subjects should have their Li-'berties and Goods restored to them; yet such is the violence and 'fury of the People, animated thereunto by the said Protestation, 'scandalous Papers spread, and seditious Sermons preached, as many 'of our said Subjects are deterred from going to their own Dwelling 'and places of aboad, and threatned with the loss of their Lives, in 'case they shall repair to their own Houses.

Eighthly, 'Whereas in our Declaration before mentioned, We did 'make known that We could not approve the late pretended General 'Assembly at *Glasgow*, for the Reasons contained in Our former Pro-'clamations; yet contrary to that our Pleasure, they daily press our 'Subjects to subscribe the approbation of the said pretended Assem-'bly, and Acts thereof, and to swear the same; so that whereas We 'did expect to have found our Subjects setled in Peace and Quietness 'against Our repair to *Edinburgh*, We heard of nothing but new 'Disorders, Meetings and Molestations of our Subjects, well affected 'to our Service; which as it doth evidently appear, by the insuppor-'table Insolencies committed as aforesaid, upon the Persons of our 'High Treasurer the Earl of *Kinnoul* our Justice General, Sir *James* '*Hamilton*, and others our Counsellors and good Subjects; so doth it 'clearly evince, that nothing was less intended than Obedience to our 'Authority, or performance of what was promised, or is due to Us 'in right of our Crown, and by the Laws of that our Kingdom.

Ninthly, 'Whereas We were pleased to grant a free General As-'sembly, for setling and composing the Divisions cunningly raised 'and fomented in the Church of that our Kingdom, expecting a fair 'choice of the Commissioners, and such as might stand with the respect 'due to our Authority, they did labour to pervert our Subjects by 'anticipating their Voices, in making them swear to, and subscribe the 'Acts of the pretended Assembly at *Glasgow*, and making choice of 'such Commissioners (and no others) as adhered thereunto, and by 'Oath were bound to maintain the same, and further, deterred others, 'whom We by our Warrant did lawfully call to the next Assembly, 'from repairing thereunto, threatning them with the loss of their 'lives, and what worse may be committed against their Persons, in 'manifest contempt of our Authority, and derogation from the free-'dom of the said Assembly.

Tenthly, 'To divert all Our good Subjects from their due Obedi-'ence to Us, and to debauch them to their factious Mutinies and 'Disorders; they brand all such as adhere to Us, and have attended 'our Person, with the vile aspersion of Traitors to God and their 'Country, threatning to proceed against them with Censures ac-'cordingly; as though the due respect given by them to Us, and 'their adhering to Us, and their assisting Us in their Persons, were 'Treason: Whereas by right of that our Crown, and the Acts of

'Parliament

15 *Caroli.*

'Parliament of that our Kingdom, all our Subjects are to riſe with 'Us and to aſſiſt Us with their Bodies and Goods; and whoſoever re- 'fuſes, or riſes in Arms or Rebellion againſt Us, or commits any Act 'of Hoſtility againſt our Sacred Perſon, are declared Traitors, and 'are to incur the pain of High Treaſon.

Laſtly, 'Their Diſobedience appears in that unparallell'd contempt 'of our Royal Authority, and ſhaking off all reſpect due to Sacred 'Majeſty, by their proteſting that all Members of the College of Ju- 'ſtice, and all our Lieges were not to attend the Seſſion, and that all 'Acts, Decrees, and Sentences therein paſt againſt any of them, ſhall 'be null, void, and ineffectual, contrary to our expreſs Warrant for 'the down-ſitting thereof, and to the heavy dammage of Our good 'Subjects, who were thereby fruſtrated of Juſtice, taking by this 'means our Royal Power out of our Hand, which alone belongeth 'to Us; none but our Self being to command our Subjects to attend 'the Seſſion, or to diſcharge their attendance, as We in our Princely 'Wiſdom and Juſtice ſhall think fit.

'Having laid theſe inſolent and ſeditious Foundations for a Parlia- 'ment, it could not in reaſon be expected but a Structure to be raiſed 'thereupon muſt be full of Diſorder and Confuſion; and indeed it 'proved all of a piece: for in all the Progreſs of the Parliament, their 'Actions and Demands were full of Undutifulneſs and Diſloyalty, de- 'nying to Us the moſt eſſential and inherent Prerogatives of our 'Crown, and ſtriving by all means to change and alter the Conſtitu- 'tions of the Parliament, and frame of Government; as appears by 'their firſt Act, at and after the chuſing of the Lords of the Articles; 'where, in a moſt inſolent and peremptory way they proteſted, 'That nothing done, or to be done in Parliament, ſhould be valid, 'except the form of electing Articles heretofore obſerved were altered, 'every Eſtate allowed to chuſe their own Articles, contrary to the form 'kept in former Parliaments for many Years, as will clearly be evinced 'by the Records, and will be made appear by Perſons of all Qualities 'yet living, who aſſiſted at the Parliaments, and were Members of 'the ſame, in the Years 1612, and 1609, and contrary to the Provi- 'ſions and Conditions mentioned in the Act, 1587.

'By their Act likewiſe concerning the defining of the Power of 'the ſaid Articles, they preſs totally to ſubvert the Frame and Power 'thereof. The Articles have bin, as is acknowledged by themſelves, 'ever ſince King *David Bruce* his Time, which is above three hundred 'Years; and by the Lords of the Articles all Buſineſſes are prepared, 'and from them brought to the Parliament, as appears by divers Acts 'of Parliament, and particularly by the fourth Parliament of King 'James the 6th, *cap.* 218; in which for eſchewing of Confuſion and 'impertinent Motions, all Propoſitions to be made in Parliament are 'to be delivered to the Clerk Regiſter, and by him preſented to the 'Lords of the Articles, that all frivolous and improper Motions may 'be rejected; which Ancient Conſtitution they would ſubvert by the 'aforeſaid Act.

'So by the Act concerning the Conſtitution of the Parliament in 'time to come, they urge, and thereby ſtrive totally to alter the Frame 'of the Parliament, and to confound and take away the third Eſtate; 'wherein the Civil Power of Kings is ſo much concerned, as Our

'Father

An. 1639. ‘Father, and all his Predeceſſors in former Parliaments, both in time ‘of Popery, and ſince the Reformation of Religion, have bin moſt ‘careful to preſerve and maintain the Dignity, Honour, and Privi- ‘leges of the third Eſtate; as appears in *Anno* 1560, when all Church- ‘Juriſdiction in the Perſons of Biſhops is alleaged to be abóliſhed; and ‘in *Anno* 1587, when all the Temporalties of Benefices were annexed ‘to the Crown, the Clergy retained ſtill their Vote in Parliament, ‘and repreſented the third Eſtate, and the Civil Power and Privileges ‘of the Church were ſtill preſerved, and again ratified, as appears by ‘the firſt Parliament of King *James* 6. *Cap.* 24. and by divers Acts of ‘Parliament, *Anno* 1587, 1597, and 1609. By all Which, and di- ‘vers other Acts of Parliament, it does clearly appear how much the ‘Kings, our Predeceſſors, have conceived their Civil Power, and the ‘Honour of their Crown to be concerned in the maintaining and ‘upholding of the Honour, Dignity, and Privileges of the three ‘Eſtates. Nay, by a ſpecial Act made in the time of King *James* 6. ‘*Parl.* 8. *cap.* 130. it is declared *Treaſon* to impugn the Authority of ‘the Parliament, and three Eſtates, or to procure the Innovation of ‘the Power and Authority of the ſame three Eſtates, or any of them: ‘And We would willingly know how they, or any of them, can ‘deny, but that they have ſought the breach of this Act, and ſo are ‘guilty of *Treaſon*, and liable to the puniſhment thereof.

‘Concerning the *Act* which they call *Reſciſſory*, they do not only ‘thereby ſeek to take away the Third Eſtate (which is Treaſon, as ‘aforeſaid) but to annul many other *Acts* formerly made in favour ‘of the Crown: and farther, to bar Us, in a manner totally, from ‘Aſſembly, or Aſſembly-Buſineſs, and cut Us off from all thoſe Powers ‘in Civil Affairs, which in the Court of that Kingdom are in conſe- ‘quence hereupon; by which it is evident how far they would ‘trench upon Regal Power, and how different it is from their Pro- ‘miſe, which was, to deſire nothing that is not warranted by Law.

‘For the Act of *Oblivion*, in the Narrative and whole ſtrain of it, ‘as it is formed, and deſired by them to be paſt in Parliament, they ‘ſeek to juſtify themſelves in all their Proceedings, and inſtead of an ‘*Act* of *Oblivion*, for which they petitioned Us at the Camp, they ‘urge an Act which amounts to a Juſtification to be recorded in the ‘Books of Parliament, altogether contrary to the nature of an *Act* ‘of *Oblivion*, and to that which ever heretofore hath bin deſired in ‘like caſe, as appears by the *Act* of *Oblivion* in *Anno* 1563.

‘And whereas by the *Act of Pacification*, Reſtitution is ordained to ‘be made to every one of Our Good Subjects of their Liberties, ‘Lands, Goods, and Means whatſoever, taken and detained from ‘them by any means ſince the aforeſaid time; this is not only not yet ‘performed, but as appears by the binding part of this Act, it is ne- ‘ver intended.

‘And as by the aboveſaid *Act of Oblivion*, ſo by their *Act of Relief*, ‘they depart from that which was condeſcended to at the Camp: ‘for whereas upon their humble deſire We were graciouſly pleaſed, by ‘a Commiſſion dated at *Berwick*, *July* 2. 1639, to allow them the ‘liberty of Convening and Meeting, until a certain day, for diſtribu- ‘ting of their pretended Charges amongſt ſuch as ſhould willingly ‘condeſcend thereunto; they have not only without our Warrant ‘kept their Conventicles, and Tables, ſince the expiring of the fore- ‘ſaid

15 *Caroli.*

'ſaid Commiſſion, contrary to the poſitive Laws of the Kingdom, 'and *Act of Pacification*, and their own acknowledgment in petition-'ing for the aforeſaid Commiſſion, but by their ſaid *Act of Relief* 'they do moſt impudently urge upon Us, that by an *Act* of our Roy-'al Power, all Our good Subjects, who in the late Troubles and Com-'motions did adhere to Us, and ſhew themſelves ready to defend our 'Royal Authority, ſhould be made equally, if not more liable to the 'defraying of their pretended Charges. So by the Act it ſelf, We are 'preſſed to juſtify and authorize all their Rebellions and Treaſons, and 'to conſtrain the Innocent, and thoſe that have ſuffered moſt for be-'ing faithful and loyal to Us, to contribute to thoſe Rebellions and 'Treaſons; than which there can be nothing more Tyrannical, nor 'contrary to Juſtice and our Honour.

'Concerning their Demands, although in all their Petitions, De-'clarations, and Remonſtrances, they profeſs, That they will never 'incroach upon Soveraignty, nor diminiſh our Royal Authority; yet 'notwithſtanding by their Demands made in Parliament, and the Rea-'ſons of them given to our Self, they ſtrike at the very Root of our 'Regal Power. For they deſire,

Firſt, 'That the Coin be not medled with but by advice of Par-'liament.

Secondly, 'That no Stranger be entruſted with keeping of our 'Caſtles, nor other Perſon put in them, but by advice of the 'Eſtates.

Thirdly, That no Patent of Honour be granted to any Stranger, 'but ſuch as have a competency of Land-Rent in *Scotland*.

Fourthly, 'That no Commiſſion of Juſticiary or Lieutenancy may 'be granted but for a limited time.

Fifthly, 'They proteſt likewiſe againſt the Precedency of our Lord 'Treaſurer, and Lord Privy-Seal, becauſe as they alleage the ſame is 'not warranted by a poſitive Law.

'All which, though they are ſo eſſentially belonging to Us as their 'King, that for the moſt part they anſwer themſelves; yet We have 'thought it not unfit to give the World this ſatisfaction concerning 'them.

'And firſt for the Coin; It is a Prerogative moſt peculiar to the 'Crown, and none can meddle with it but by our Conſent, with-'out incurring the puniſhment of High-Treaſon, as it is in all King-'doms.

'In the ſecond and third, There lurketh a great deal of Malignity 'and Poiſon, and they are intended meerly againſt the *Engliſh*, whom 'they would account Strangers; as appears by the Exception lately 'taken by thoſe of *Edinburgh* to thoſe *Engliſh* ſent by Us to the Ca-'ſtles of *Edinburgh* and *Donbarton*. This is a moſt dangerous and 'ſeditious Practice, to raiſe again the Partition-Wall between the 'two Nations, and to divide them, thereby to awaken thoſe ancient 'National Animoſities, which have bin moſt happily laid aſleep by 'the bleſſed Union of the two Crowns: And beſides, the great diſ-'honour to the *Engliſh*, that they ſhould not be held worthy to enjoy 'any Dignities or Priviledges in *Scotland*, as well as the *Scots* do in *Eng-'land*: It is an injury to themſelves, For it is moſt juſt, that by the

'ſame

An. 1639.

'ſame Rule the *Poſt-nati* of *Scotland* (who are now admitted here to 'all Dignities, Privileges, and Offices, and do enjoy them as freely 'as any *Engliſh* whatſoever) ſhould be likewiſe excluded from them, 'for which moſt of their Country-man here would give them little 'thanks. But what Religion there can be in ſhewing themſelves ſuch 'Incendiaries, We leave it to the World to judg.

'To the fourth; Some of themſelves have obtained from Us the 'heritable Rights of Juſticiary, over a conſiderable part of that our 'Kingdom; and why our Power ſhould be more limited to others 'than to them, We underſtand not.

'To the fifth; No Man that is not a Traytor, can deny that the 'Source and Fountain of all Honour is in Us, and that is a prime 'Branch of our Crown to diſtribute Honours, Dignities, and Prece-'dencies to whom We pleaſe; and beſides, the Chancellor of that 'our Kingdom, holds his Place and Precedency without any Warrant 'or poſitive Law, but meerly from Our immediate and Inherent 'Power; and therefore why not our Treaſurer and Privy-Seal as 'well as he?

'They further boldly demand the reſcinding the Acts of Parlia-'ment concerning the Civil Government; namely, the Act concern-'ing the Judicatory of the *Exchequer*, the Act concerning *Proxies*, 'the Act concerning *Confirmation of Ward-Lands*; by which they 'would overthrow both our Government and Revenue.

'When We found them thus pertinaciouſly reſolved to perſiſt in 'theſe their inſolent and unſufferable Demands, contrary to all Reli-'gion and Laws, though they ſo much pretend them both, we ſigni-'fied our Pleaſure to our Commiſſioner the Earl of *Traquair*, to this 'purpoſe;

That whereas it did evidently appear unto Us, that the aim of divers of our Subjects was not now for Religion, as they have always pretended, (for it was manifeſt by the proceeding of Our ſaid Commiſſioner, how willing We had bin to give ſatisfaction both in Aſſembly and Parliament, touching all ſuch things as were promiſed by Us, or ſued for by them under that Name of Religion); And that We did perceive, by many new ſtrange Propoſitions, that nothing would give them content but the alteration of the whole Frame of the Government of that Kingdom, and withal, the total overthrow of Royal Authority, We held it muſt now be Our care and endeavour to prevent that which did ſo nearly concern Us in Safety and Honour; and if thereupon We ſhould immediately command the diſſolving of the Parliament, it were no more than juſtly might be expected from Us. Nevertheleſs, ſuch was ſtill Our tenderneſs of their preſervation, and of the eſtabliſhment of a perfect Peace in that our Native Kingdom, as We were pleaſed rather to prorogate the ſame, and to hear ſuch Reaſons as they could give for their demands. Wherefore We commanded Our ſaid Commiſſioner to prorogate the Parliament until the ſecond of June next enſuing, and that (ſince they had diſputed it) by our Authority only; We holding it no way fitting, that any aſſent of theirs but Obedience ſhould be had to that Act, which doth ſo properly belong to Us as their King; and if they ſhould preſume to Proteſt, ſit ſtill, and diſobey this our Royal Command, Our further Will and Pleaſure was,

That

That Our ſaid Commiſsioner ſhould diſcharge their ſo doing under pain of Treaſon. But in caſe of their Obedience, and diſſolving according to our Command, then We did require Our ſaid Commiſsioner to declare unto them, That We would not only admit to Our preſence ſuch as they ſhould ſend unto Us to repreſent their Deſires, and the Reaſons of them, but would likewiſe, as We were ready always to do, punctually perform whatſoever We did promiſe. In the interim, We commanded Himſelf with all convenient ſpeed to repair hither, and to bring with him all that had paſſed, or had bin demanded, both in Aſſembly and Parliament, that ſo We might not only be more perfectly informed of all Proceedings, but likewiſe conſult with him and thoſe of our Council, what courſe would be beſt for the preſervation of our Honour, and the happy accommodation of this Buſineſs. 15 *Caroli.*

'This Our Command being ſignified to the Parliament by our Com-'miſſioner, was not aſſented unto without a *Proteſtation*, which they 'call a *Declaration of the Parliament*, to this purpoſe.

THat whereas John *Earl of* Traquair, *his Majeſty's Commiſſioner, honoured with a moſt ample Commiſſion, according to his Majeſty's Royal Word, having cloſed the Aſſembly, and ſitting in* Parliament *with them a very long time, for debating and preparing ſuch Articles as were to be repreſented in face of* Parliament, *did now take upon him, and that without the conſent of the Eſtates, and without any Offence on their part, who have endeavoured in all their Proceedings to witneſs their Loyalty to the King, and Duty to his Grace, as repreſenting his Majeſty's Sacred Perſon, to prorogate the Parliament upon a private Warrant, procured by ſiniſter information, againſt his Majeſty's publick Patent under the Great Seal,* &c. *whereby he heavily offends all his Majeſty's good Subjects, and endangers the Peace of the whole Kingdom, for which he muſt be liable to his Majeſty's Animadverſion, and to the cenſure of the Parliament, this being a new and unuſual way, without preſident in this Kingdom, contrary to his Majeſty's Honour ſo far engaged for preſent ratifying the Acts of the Kirk, contrary to the Laws, Liberties, and perpetual practice of the Kingdom; by which all continuation of Parliament once called, convened, and begun to ſit, have ever bin made with expreſs conſent of the Eſtates, as may be ſeen in the Raigns of ſundry Princes,* &c. *Therefore we the Eſtates of Parliament,* &c. *are conſtrained in this Extremity to manifeſt and declare,* &c. *That as we have not given the leaſt cauſe, or ſmalleſt occaſion of this unexpected or unexemplified Prorogation, ſo we judg and know the ſame to be contrary to the Conſtitution and Practices of all preceding Parliaments; contrary to the Liberties of this free and ancient Kingdom, and very repugnant to his Majeſty's Royal Intentions, Promiſe, and gracious Expreſſion in the Articles of the late Pacification,* &c. *And we do further declare, That any Prorogation made by the Commiſſioner's Grace alone, without conſent of the Parliament, by himſelf, or any Commiſſioner in his Name, under the Quarter Seal, or by the Lords of the Council, who have no power at all in Matters of the Parliament, during the ſitting thereof, ſhall be ineffectual and of no force at all to hinder the lawful Proceedings of the Subjects, and the doers thereof to be cenſurable in Parliament. And further we declare, That the Commiſſioner his nomination of the Articles by himſelf, his calling together*

Jac. 6. *Qu.* Mary. Jac. 5. Jac. 4. Jac. 3. Jac. 2. Jac. 1.

An. 3616. *thoſe Articles, and commanding them to ſit continually and proceed, notwithſtanding their daily Proteſtations to the contrary; his keeping frequent Seſſions of Council, and determining Cauſes in Council, during the time of Seſſion in Parliament; His calling down and calling up of Mony during the Seſſion of Parliament, without conſent of the Eſtates of Parliament; notwithſtanding the Parliament had taken the Mony into their conſideration, and had purpoſed to have given their advice for a determination thereanent; His frequent prorogating of the riding of the Parliament, without conſent of the Eſtates, or mentioning in the Acts of Prorogation, the conſent of the Articles, although it were done by their advice, are contrary to the Liberties of the Kingdom, Freedom and Cuſtom of Parliament; and that they be no Preparatives, Practicks, nor Prejudices in time coming againſt us, or our Succeſſors. But becauſe we know that the Eyes of the World are upon us, that Declarations have bin made and publiſhed againſt us,* &c. *that our Proceedings may be made odious to ſuch as know not the way how theſe Commandments are procured from his Majeſty, nor how they are made known nor intimate to us, and do as little conſider that we are not private Subjects, but a ſitting Parliament; or what National Prejudices we have ſuſtained in time paſt by miſ-information, and what is the preſent caſe of the Kingdom; We therefore declare, that whatſoever by the example of our Predeceſſors in like caſes of neceſſity, by his Majeſty's Indiction, and by the Articles of Pacification, we might do lawfully in ſitting ſtill; and which in this extream neceſſity were juſtifiable, not only before ſo juſt a King, but to the Faces of our Adverſaries; Yet out of our moſt reverend regard, and humble deſire, to render not only all real demonſtrations of Civil Obedience, but to put far from us all ſhew or appearance of what may give his Majeſty the leaſt diſcontent, we have reſolved for the preſent only to make remonſtrance to his Majeſty of the reaſon of our Propoſitions and Proceeding in this Parliament,* &c. *And in expectation of his Majeſty's gracious Anſwer to theſe our humble Remonſtrances, ſome of each Eſtate having power from the whole Body of the Parliament, remain ſtill here at* Edinburgh, *to attend the return of his Majeſty's gracious Anſwer to our humble and juſt Demands: And further, to remonſtrate our humble Deſires to his Majeſty upon all Occaſions, that hereby it may be made moſt manifeſt againſt all contradiction, that it was never our intentions to deny his Majeſty any part of that Civil and Temporal Obedience which is due to all Kings from their Subjects, and from us to our dread Soveraign after a more eſpecial manner, but meerly to preſerve our Religion and Liberties of the Kingdom, without which Religion cannot continue long in ſafety: And if it ſhall happen (which God forbid) that after we had made our Remonſtrances, and to the uttermoſt of our power and duty uſed all means for his Majeſty's Information, that our malicious Enemies, who are not conſiderable, ſhall by their Suggeſtions and Lies prevail againſt the Informations, and general Declaration of a whole Kingdom, we take God and Men to witneſs, That we are free of the Outrages and Inſolencies that may be committed in the mean time, and that it ſhall be to us no imputation, that we are conſtrained to take ſuch courſe as may beſt ſecure the Kirk and Kingdom from the extremity of Confuſion and Miſery.*

Which Declaration above-written, we the Eſtates of Parliament, required the Clerk to inſert in the Records thereof, and grant Extracts thereof under his Hand and Subſcription.

This

This Declaration was produced and read in the outer House of Parliament, upon Decemb. 18. 1639. *according whereunto the Nobility nominated and appointed the Earls of* Lothian *and* Dalhouſe; *the Lords,* Yeſter, Balmerino, Cranſton, *and* Napier: *The Barons nominated the Commiſſioners of the three* Lothians, Fife *and* Twedail: *The Burroughs nominated the Commiſſioners of* Edinburgh, Linlithgow, Sterling, Haddington, Dunbar, *to attend at* Edinburgh *the return of his Majeſty's gracious Anſwer to their humble Remonſtance.*

'In this *Proteſtation* or *Declaration*, though there be a ſpecious ſhew, 'and ſundry profeſſions of Obedience to Us, yet it is evident they 'have wounded our Authority in the Perſon of the Earl of *Traquair* 'our Commiſſioner, who did nothing in that Prorogation but by Our 'ſpecial Commandment; and therefore for that they cannot cenſure him 'without reflection upon Us: And beſides, it is poſitively affirmed, 'That *any Prorogation made by the Commiſſioner alone, without conſent of 'the Parliament, ſhall be ineffectual, and of no force*; which neceſſarily 'implies, That We have no power to Prorogue, whereas the contra-'ry is moſt manifeſt Truth. And though upon our Command there 'was a ſhew of Prorogation, yet they continued part of their Body 'at *Edinburgh*, upon pretence of receiving our Anſwer to their *Re-'monſtrance*; which, if it ſhall not be to their liking, they conclude 'with a menacing Proteſtation, That *it ſhall be no imputation to them, 'if they be conſtrained to take ſuch courſe as may beſt ſecure the Kirk and 'Kingdom from the extremity of Confuſion and Miſery*; having firſt 'taken God and Man to Witneſs, *That they will be free of all Outrages 'and Inſolencies that may be committed in the mean time*; than which 'nothing can be more boldly and inſolently ſpoken.

'After this, theſe divided Members of that diſtracted Parliamentary 'Body remaining thus at *Edinburgh*, did ſend the Earl of *Dunfermling* 'and the Lord *Lowdon* as their Deputies, to make their Remonſtrance 'to Us. But becauſe We underſtood that they came without Warrant 'or Licence from our Commiſſioner, and had not acquainted him 'with what they were to propound unto Us, We held this like the 'reſt, a great and inſufferable Diſobedience, and would not admit 'them to our Preſence coming in this manner; and ſo commanded 'them to return without hearing them.

'Then our Commiſſioner came hither, and made a Report to Us of 'the ſtate of our Affairs there; with which We thought fit to ac-'quaint the Lords of our Council of *England*, as alſo with this Car-'riage of the Parliament in *Scotland*, and to adviſe with them what 'was to be done for redreſs of theſe Diſorders. Whereupon We com-'manded Our ſaid Commiſſioner, the Earl of *Traquair*, to make rela-'tion to the Board of all their exorbitant Demands, of which ſome 'account hath bin formerly given them by the Lord Marqueſs *Hamil-'ton*. Upon this our Command, the Earl of *Traquair* made a large 'and exact repreſentation to the Board of the moſt conſiderable Mat-'ters propoſed and agitated in Parliament, and of the inſolency of 'their Demands; and the Petitioners themſelves ſent from *Scotland*, 'have ſince their coming to Us inſiſted upon all and every Particular 'of Our ſaid Commiſſioner's Relation, and in a moſt bold way of-'fered to juſtify them all; by which they have more than juſtified

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'the Report of the ſaid Earl of *Traquair*.

'Whereupon We were further pleaſed to acquaint the Lords, that 'they had lately ſent Us a Petition, which carried ſome ſhew of ſub-'miſſion and humility, but was indeed nothing leſs, wherein they de-'ſired, that ſome might be allowed to come from them to Us, to re-'preſent their Affairs; which to make our Subjects of *Scotland* the 'more inexcuſable, We told the Lords We had granted, though We 'had little cauſe to hope for any good from thoſe that had ſo much 'forgotten their Duty and Allegiance to Us.

'When the Lords had heard the Relation of our Commiſſioner, 'We thought fit upon the whole Matter to put this Queſtion to them, 'Whether conſidering the inſolency and height of theſe Demands, 'even concerning Civil Obedience, it were not fit to reduce them to 'their Duty by force, rather than to give way to theſe Demands, ſo pre-'judicial to Us in Honour and Safety? To this We commanded every 'one of our Council to give his Anſwer, and to declare his Opinion 'by Vote; which was accordingly done, and they unanimouſly vo-'ted in the *Affirmative*: Whereupon ſoon after We reſolved to call a 'Parliament.

'After this, our Subjects in *Scotland*, according to the Anſwer We 'gave them upon their Petition, having ſent up hither four Depu-'ties, *viz.* the Earl of *Dunfermling*, the Lord *Lowdon*, Sir *William* '*Douglas*, and Mr. *Berkeley*; We were pleaſed to admit them to Our 'Preſence, and to receive Petitions from them, which were after by 'our Direction ſubſcribed by them; in one of which they, in the 'Name of the Aſſembly convened at *Edinburgh*, gave Us thanks for 'that We had made known to them, that all Matters Eccleſiaſtical 'ſhould be determined in free National Aſſemblies, and Matters Civil 'in Parliaments, and deſired our Ratification of the Conſtitutions of 'the Aſſembly in Parliament: And in the other they deſired to be 'heard before Us, and ſome of our Council of both Kingdoms; and 'that the Report made by the Earl of *Traquair* to our Council here in '*England*, might be delivered them in writing under his hand, which 'was a moſt inſolent demand.

'Immediately after this, We thought fit to appoint a ſpecial Com-'mittee of ſome of our Council to hear them, and accordingly gave 'order to the Earl of *Traquair* to aſſign them a day to come to that 'Committee. They refuſed to come, alleaging that they had Order 'and Inſtructions to treat with none but our Self: Whereupon We 'appointed them to attend Us at the Committee, though it were the 'day of Our appointed remove to *Hampton-Court*; at which time they 'did attend Us accordingly.

'There the Lord *Loudon* made a long Speech, the effect whereof was, 'A Proteſtation of the Independency of the Parliament of *Scotland*, 'and that it is ſubject to no other Judicatory; a profeſſion of their 'Loyalty and Affection to Us, and a Juſtification of their Proceed-'ings in the Aſſembly and Parliament, as agreeable to the *Articles of* '*Pacification*, and to the Laws and Practices of that Kingdom; and 'thereupon a deſire, That We would ratify and confirm thoſe their 'Proceedings; and to that purpoſe command that the Parliament 'might proceed freely, for the determining of all the *Articles* deli-'vered into them, and the eſtabliſhing of Religion and Peace in the

'Kingdom;

'Kingdom; undertaking that whatſoever Objections or Informations 'ſhould be made againſt their Proceedings in Parliament, (if they 'might receive them in writing) they would make anſwer to 'them.

'This Diſcourſe ended, We demanded what Power and Commiſ-'ſion they had to give Us ſatisfaction, and to oblige thoſe from whom 'they came? ſeeing if they had none, We ſhould hear them upon 'great diſadvantage, they expecting Satisfaction from Us who have 'Power to give it, but they none to render the like to Us.

'They anſwered, That which they ſhould propoſe (it being agree-'able to Law) they were confident would give Us Satisfaction.

'We asked who ſhould be Judg of that? They anſwered, The 'Laws would be ſo clear that there ſhould be no need of a Judg. 'And though We inſiſted much hereupon, they would give Us no 'other Satisfaction; they avowing they had Powers, and would bring 'them to Us; they were ordered to do ſo at the next Meeting, and ſo 'for that time were diſmiſſed.

'After Our return from *Hampton-Court*, they attended Us at the 'Committee again; Where they produced Inſtructions ſigned by ſome '*Scotiſh* Lords, and others Perſons of no great eminency; which In-'ſtructions having bin read, were judged by Us, (all the Committee 'concurring in the ſame Opinion) to be no Commiſſion, nor that 'they had any Power or Authority by them to give Us Satisfaction, 'or to oblige thoſe from whom they ſaid they came, to any thing 'that We ſhould yield to, or deſire. Wherefore We, demanding 'whether they had any other Power? they ſaid, They had a Paper 'formerly ſubſcribed by ſome of the Lords in Parliament, by which 'the Earl of *Dunfermling* and Lord *Lowdon* were only authorized to 'come, and preſent their Juſtification to Us, and they could for the 'preſent have no other, the Parliament now not ſitting. Whereupon 'We adviſing ſeriouſly with the Committee what was beſt to be done 'in this weighty Buſineſs; and conſidering, That if they ſhould be 'diſmiſſed without further hearing, they would take occaſion to cla-'mour, although We held our Self bound neither in Honour nor 'Juſtice to hear them any further, (they having offered no Founda-'tion for an Accommodation, nor having Power to do it) yet to 'the end that no colour of ſiniſter Conſtruction might be left, and 'that We might juſtify our Self to God and the World, that We 'have omitted nothing on Our part that might tend to Peace, and to 'the ſetling of a better Intelligence between Us and them, We did 'reſolve that We would continue to hear them, and make Our Ob-'jections to ſuch Particulars as had bin propoſed in Parliament, and 'againſt which We had juſt grounds of Exception, that ſo it might 'appear whether they could give Us that ſatisfaction which they had 'promiſed and preſumed.

'This We having declared to them, not one of them made ſhew 'of the leaſt ſenſe of this Our Grace and Goodneſs ſo expreſſed to 'them; which the Lord Marqueſs *Hamilton* obſerving, took occaſion 'of himſelf to ſay, That though he was not of their Company, yet 'being a *Scots* Man, he held himſelf obliged to acknowledg with all 'humility this Our ſingular and princely Favour to his Country, and 'beſought Us to accept his moſt humble thanks for it. This drew

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'them on to do the like, and ſo they preſented their humble Thanks 'to Us on their knees.

'At the next meeting of the Committee, the ſaid Petitioners pro-'duced the Paper above-mentioned, ſubſcribed by ſome of the Lords 'remaining at *Edinburgh*, as aforeſaid, by which the Earl of *Dunfermling* and Lord *Lowdon* only were heretofore authorized to come and 'preſent their Juſtification to Us: which Paper being read, the whole 'Committee agreed that the Petitioners had no Power by this Paper, 'no more than by the former, to give Us any Satisfaction, or to ob-'lige thoſe from whom they came, but only to endeavour to juſtify 'themſelves, and the former Proceedings of the Parliament. Of all 'this We were pleaſed to give account to Our whole Council of *England*, who unanimouſly concurred in Opinion with the Committee, 'That the above-mentioned Papers gave them no Power at all. Ne-'verthleſs We were contented, according to Our promiſe, to hear 'them; and We did make Objections to the moſt exorbitant of their 'Demands: But their Anſwers were very impertinent, and rather Ju-'ſtifications of them, than any way Satisfactory: Which could not be 'otherwiſe, ſeeing thoſe Demands were for the moſt part ſo contrary 'to Law and Monarchical Government, that they did anſwer them-'ſelves; as by our Anſwer to them formerly ſet down more particu-'larly may appear.

'Concerning our Promiſe of a Free Parliament, no Man of ordi-'nary ſenſe can imagine We ever intended it ſhould be ſo free, as not 'to be limited with their own Conditions, ſubſcribed by the Lord '*Lowdon*, which were to enjoy their Religion and Liberties, accord-'ing to the Eccleſiaſtical and Civil Laws of that our Kingdom; and 'if they paſs theſe Bounds, as it is evident they have done, We re-'main diſobliged, unleſs they will have Us only obliged, and them-'ſelves left at liberty to fly at our Monarchical Government, without 'controul, to wreſt the Scepter out of our Hand, to rob our Crown 'of the faireſt Flowers belonging to it, and to deſtroy our Regal 'Power and Authority, as manifeſtly they have endeavoured to do 'by their inſufferable intended Acts and Demands, contrary to all Law 'and Reaſon.

'If it be further Objected, That they aſſume this liberty by our 'allowing of the Covenant, and commanding Our former High Com-'miſſioner the Lord Marqueſs of *Hamilton*, and other our Subjects, to 'ſubſcribe it; the Anſwer is very ready, That there is a great diffe-'rence between the Covenant and Band ſubſcribed by our Command-'ment, and their Band; for that Covenant and Band was made by 'Our late Father King *James* of bleſſed Memory, *Anno* 1580, and 'obligeth thoſe that ſwear to it, that they ſhould mutually aſſiſt one 'another, as they ſhould be commanded by the King, or any autho-'rized by him. But this new Band was made without Our conſent, 'and by it they ſwear mutually to aſſiſt one another, not excepting 'the King, which is indeed a meer cunning Combination againſt the 'King. Beſides, when any have bin required to ſubſcribe the Cove-'nant, as the Lord Marqueſs *Hamilton* was, and did, and in that ſenſe 'which he declared in print, the principal Heads of them did not on-'ly refuſe it themſelves, but diſſuaded (as much as in them lay) all 'Our good Subjects from ſubſcribing it, though the Covenant were 'all one with theirs, and ſo acknowledged by themſelves: Whereby

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'it doth evidently appear, that it was not Religion they aimed to ſe-
'cure, (as they pretended) for then they would have acquieſced
'with theſe our Commands, but meerly by adhering to their own
'Band, to keep our Subjects in that condition, as they might be al-
'ways tied, and conceive themſelves obliged by Oath to take up Arms
'againſt Us whenſoever the time ſhould be fit for a total Rebellion;
'which they have never left endeavouring till they have brought it to
'paſs: So that by Our approbation of the old Covenant and Band, or
'by the Subſcription of our Commiſſioner, they can have no ſolid
'Foundation to juſtify their now Proceedings; and it will hardly ap-
'pear that ever any Covenant was made in the Chriſtian World (ex-
'cept in Caſes of Rebellion and Treaſon, as this is) where the Head
'was left out, or had not a Negative Voice.

'Neither can the Earl of *Traquair*, our High Commiſſioner his
'Subſcription, or allowance of the ſubſcription of the Covenant, be
'any Warrant for their rebellious Courſes; ſeeing, as appears by their
'own Petitions to him, they declare, that, *Now following the laudable*
'*Example of their Predeceſſors, they do humbly ſupplicate for the ſame,*
'*and that they may be allowed and warranted to ſubſcribe it:* Which clear-
'ly evinces, that what they did before, and of themſelves, without
'warrant of Authority, was neither laudable nor warrantable: As
'alſo before the allowing thereof by the ſaid Earl of *Traquair*, it is
'acknowledged (as appears by that which is prefixt to his Subſcrip-
'tion) that it is one and the ſame Covenant with that of 1580; which,
'as appears by the Reaſons heretofore deduced, will no way infer any
'ground, or the leaſt ſhadow of Reaſon for their treaſonable Combi-
'nations, or taking up of Arms againſt Us, or our Authority, or any
'denial of our Negative Voice.

'Now upon debate of this Point at the Council Board, the Lords
'were of Opinion, that until the Petitioners ſent from the Covenan-
'ters would acknowledg that the Supream Magiſtrate muſt have Au-
'thority to call Aſſemblies, and to diſſolve them, and to have a Ne-
'gative Voice in them, as is accuſtomed in all Supream Powers of
'Chriſtendom, they ought not to be heard.

'If they ſhall alleage (as they did when they came to the Commit-
'tee) that their Demands aforeſaid were but Matters *in fieri*, and not
'abſolutely reſolved nor concluded: it is to be anſwered, That the Im-
'pediment was not on their part that they were not concluded. Nay,
'the Lord *Lowdon* in his firſt Speech to Us at the Committee, did not
'only juſtify their Proceedings in the Aſſembly and Parliament, as
'agreeable to the *Articles of Pacification*, and to the Laws and Pra-
'ctice of that Kingdom, but did deſire that We would ratify and
'confirm thoſe their Proceedings, and to that purpoſe command that
'the Parliament might proceed freely, and determine anent all thoſe
'*Articles* delivered in to them. Howſoever, good Subjects ought to
'be wary how they come near the ſuſpition of Rebellion or Treaſon,
'much more how they make Demands that carry with them more
'than a ſuſpition of rebellious and treaſonable Intentions, as theſe
'above-mentioned moſt manifeſtly do.

'Now beſides the Inſolencies and Acts of Rebellion and Treaſon
'above-mentioned, committed before, and in the Aſſembly and Par-
'liament, We cannot but obſerve and publiſh to the World, that
'their Carriage hath bin no leſs exorbitant ſince the Parliament, and

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'ſince the coming of their Petitioners hither than before: for without 'any Authority or Commiſſion from Us, they have taken upon them 'to leavy and raiſe Forces in ſeveral parts of that our Kingdom, in 'great numbers, which they have continually exerciſed and trained, 'and have aſſigned them a Rendezvouz, and a day to be in a readi-'neſs to march.

'They have made Proviſions of great quantities of Artillery, Mu-'nition, and Arms, from Foreign Parts, which they have ready in 'Magazine to make uſe of againſt Us their Soveraign.

'They have of themſelves laid Taxes and Impoſitions of ten Marks 'in every hundred, upon all and every our Subjects, according to their 'ſeveral Revenues, to be levied upon their Eſtates, for the mainte-'nance of this Rebellion; and this they have exacted with the greateſt 'rigour and tyranny that can be imagined, howſoever they pretend 'the Contribution to be voluntary.

'They have cauſed to be framed and publiſhed, as well in Manu-'ſcript as in Print, ſundry falſe, ſeditious, and ſcandalous Papers and 'Pamphlets, concerning our Proceedings with them; and amongſt 'others, one intituled, *An Information from the Eſtates of the King-'dom of* Scotland, *to the Kingdom of* England, *&c.* which having come 'to Our knowledg, We cauſed it to be read publickly at our Council 'Table; and the Lords in deteſtation thereof became humble Suitors 'to Us, that it might be ſuppreſt by Proclamation, and burnt by 'the Hand of the Hangman, which hath bin done accordingly.

'They have refuſed the Lord *Eſtrick*, Governour of our Caſtle at '*Edinburgh*, Timber, and other Materials neceſſary for reparation of 'the Works lately fallen down there, notwithſtanding Our expreſs 'Commandment by our Letters to them upon their Allegiance to fur-'niſh them.

'They have committed ſundry Outrages and Violences upon the 'Perſons of ſome of the Gariſon at *Edinburgh*, that came out of the 'Caſtle to buy Victuals.

'They have begun to raiſe Works and Fortifications againſt the ſaid 'Caſtle, thereby to block up that our Royal Fort, and to render it 'unuſeful. And they have fortified ſundry other Places in that Our 'Kingdom, and particularly *Inſgarvy*, where they have mounted di-'vers pieces of Ordnance.

'They have lately impriſoned the Lord of *Southesk*, and ſundry 'others of Quality, for not adhering to them, and for their fidelity 'to Us.

'And whereas We have upon ſundry occaſions ſignified Our Plea-'ſure to the Magiſtrates of *Edinburgh* for the performance of ſuch 'things as have concerned our Service: inſtead of yeelding Obedi-'ence, they have made anſwer, That *they have delivered up the power 'of governing the Town, into the hands of the Committee of the pretended 'Tables*, by which they have not only voluntarily diſabled themſelves 'to ſerve Us, but have incurred the guilt of High Treaſon, by con-'ferring upon any that power of Government which they derive and 'hold from Us alone, and cannot be reſigned to any other without 'our ſpecial Warrant and Command.

'But to fill up the meaſure of their Treaſons, they have endeavou-'red to ſettle Intelligences in parts beyond the Seas, and practiſed to 'let in Foreign Power into that our Kingdom, as We are able to

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'make appear under the hands of ſome of the chiefeſt of them; as 'if the Fire, which by their own Rebellions they have already kind-'led within the Bowels of that State, were not ſufficient to conſume 'it, unleſs they added fuel to it from abroad. And herein appears 'firſt their malignity to Us their natural Soveraign, in that they had 'rather proſtitute themſelves to a Foreign Government, and ſuch as 'is different in Religion, than yield conformity to Ours. And then 'ſecondly, We cannot but take notice that the Intereſts and Safety of 'our Self, and this our Kingdom of *England*, are highly concerned 'herein: For if a Stranger once take footing in thoſe Northern 'parts, it is not hard to judg how eaſily he may be invited by ſuch 'Guides as they, and ſuch an entrance as they will readily give him, 'to draw nearer to this warmer Climate of the South; and then how 'much the *Engliſh* Nation are likely to be beholden to their Scotiſh 'Neighbours for ſuch Inmates, is left to every true Engliſh heart ſadly 'to conſider, and in time to endeavour to prevent, leſt he be over-'taken unawares by the miſchief which threatens every one in par-'ticular, and the whole Nation in general; and yet all this with them 'is Religion and Laws.

'But becauſe the World ſhall ſee that We charge them not but 'upon very good and ſure Grounds, We have thought fit to ſet down 'here their own Letter: Of which We have given Our good Brother, 'the *French* King, an account, being confident he will not aſſiſt any Re-'bels againſt Us. The Letter follows, with this Endorſement, *Au Roy*, 'which in *France* is always underſtood from thoſe Subjects only to 'their Natural Prince.

SIRE,

VOſtre Majeſté (eſtant l'aſyle & ſanctuaire des Princes & Eſtats affligéz) nous avons trouvé neceſſaire d'envoyer ce Gentilhomme le Sieur de Colvil, *pour repreſenter a V. M. la candeur & naiuetê tant de nos actions & procedures, que de nos intentions, leſquelles nous deſirons eſtré gravées & eſcrites à tout l'univers avec un ray du Soleil, auſſy bien qu'a V. M. Nous vous Supplions doncques treſhumblement (Sire) de luy adjouſter foy & creance, & a tout ce qu'il dira de noſtre part, touchant nous & nos affairs; eſtans treſaſſeurés (Sire) d'une aſſiſtance eſgale a Voſtre clemence acouſtumeé cydevant, & ſi ſouven monſtrée a ceſte Nation, laquelle ne cedera la gloire à autre quelconque d'eſtre eternellement,*

Sire,

de V. M.

Les treſhumbles, & treſobeyſſants, & treſaffectionés ſerviteurs,

Rothes. Montroſe. Leſlie. Marre.
Montgomery.
Loudoun. Forreſter.

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Engliſhed thus;

SIR,

YOur Majeſty being the Refuge and Sanctuary of afflicted Princes and States, we have found it neceſſary to ſend this Gentleman Mr. Colvil, *to repreſent unto your Majeſty the candour and ingenuity, as well of our Actions and Proceedings, as of our Intentions, which we deſire to be engraved and written to the whole World with a Beam of the Sun, as well as to your Majeſty. We therefore moſt humbly beſeech you (Sir) to give faith and credit to him, and to all that he ſhall ſay on our part, touching us and our Affairs; being moſt aſſured (Sir) of an Aſſiſtance equal to your wonted Clemency heretofore, and ſo often ſhewed to this Nation, which will not yield the Glory to any other whatſoever to be eternally,*

Sir,

Your Majeſty's moſt humble, moſt obedient, and moſt affectionate Servants,

Rothes. Montroſe Leſly. Marre.
Montgomery.
Loudoun. Forreſter.

'Now theſe Affronts to our Government, and dangers to our State, 'which have no Relation at all to Religion and Law, but in the vio- 'lation of them both, have neceſſitated Us to put the Forces of this 'our Realm in order, and our Self into a condition to be able (by 'God's help) to vindicate our Safety and Honour againſt all thoſe 'that under pretence of Religion and Law, have already riſen, or 'ſhall riſe up againſt Us, and to preſerve and keep in ſafety Our good 'and loyal Subjects, and to take care that the Gangrene be cut off 'before it ſpread too far, to the endangering of this our Kingdom of '*England*. Nevertheleſs We profeſs before God and all the World, 'that We never did, nor ever will hinder them from the enjoying of 'their Religion and Liberties, according to the Eccleſiaſtical and Ci- 'vil Laws of that our Kingdom, and according to our Promiſe and 'their Deſires, ſubſcribed by themſelves at the *Pacification*; but that 'We will govern them as a Juſt and Religious Prince: In aſſurance 'whereof, if they will yet acknowledg their former Crimes and Exor- 'bitancies, and in an humble and ſubmiſſive manner, like penitent '*Delinquents*, crave pardon for what is paſt, and yield Obedience for 'the time to come, they ſhall ſtill find that We will be more ſenſible 'of their Converſion, than We have bin of their Rebellions; and 'that We rather deſire their Reformation, than their Deſtruction. 'But if they perſiſt in their Rebellious Courſes, and by that which 'they call the enjoying of their Religion and Liberties, according to 'the Eccleſiaſtical and Civil Laws of that Kingdom, will underſtand 'nothing but the trampling of our Crown and Royal Authority un- 'der their Feet, and the endeavouring to ſubvert all Laws and Reli- 'gion, as they have done hitherto by their Proceedings in the Aſſem-

'bly

15 *Caroli.*

'bly and Parliament, then We hold our Self obliged, in diſcharge of 'that Duty which We owe to God and the Government which he 'hath entruſted to Us, to have recourſe to Our coercive Power, to 'prevent ſo many imminent Dangers as threaten the Publick. This 'We take God to Witneſs We are neceſſitated to, and ſhall not un-'dertake without extream ſorrow and reluctation. Nevertheleſs We 'truſt that God, whoſe Vicegerent we are, and by whom alone Kings 'Reign, being likewiſe a God of Truth, and a ſevere puniſher of all 'Falſhood and Impoſture, will no longer ſuffer his Glory to be de-'ſpiſed and prophaned in our Perſon, by groſs Hypocriſy, under the 'counterfeit habit of Religion, but will ariſe and ſcatter His and Our 'Enemies.

'And for this Noble *Engliſh* Nation, whoſe Glory it hath bin to 'have bin governed many hundreds of Years under a Monarchy, We 'doubt not but they will, as it becomes loyal and faithful Subjects, 'continue their Affection to Us and Monarchical Government, and 'not ſuffer themſelves to be debauched and betrayed into an Anarchy, 'by ſuch as envy the happineſs they have ſo long enjoied, and the ma-'ny glorious Victories which they have atchieved, under Kingly 'Government, but following the example of the Lords of our Coun-'cil, and of our Servants, will chearfully aſſiſt Us in this Our juſt 'Cauſe, wherein our Honour and Safety, together with theirs, are ſo 'highly concerned.

'Our Subjects in *Ireland*, by their late Declaration in Parliament, 'have not only given Us a conſiderable Supply toward Our preſent 'Preparations, to reduce Our diſaffected Subjects in *Scotland* to their 'due Obedience, but have humbly offered Us their Perſons and 'Eſtates, even to the uttermoſt of their Abilities for Our future Sup-'ply, in a Parliamentary way, as Our great Occaſions (ſhould that 'Diſtemper continue) ſhall require. And this they deſire may be 'recorded as an Ordinance of Parliament, and that it may be pub-'liſhed in Print for a Teſtimony to all the World, and to ſucceeding 'Ages, of their Loyalty and Affection to Us, as it well deſerves. 'This is a ſingular comfort to Us in the midſt of theſe Diſtractions; 'and We have no cauſe to doubt but our Subjects of *England*, who 'are nearer to the Danger, will ſhew the like tenderneſs of Our and 'their own Honour and Safety, which will be no leſs contentment to 'Us, and make Us, as a Father of Our People, take the ſame care of 'their Preſervation and Proſperity, that We ſhall of Our own. And 'this We aſſure them, in the Word of a Prince, We ſhall ever do.

The end of the King's Declaration.

An. 1639.

The juſt double of the particular Demands of the Subjects of Scotland, *preſented to his Majeſty's Commiſsioners in Articles or otherwiſe, which by his Majeſty's Commaand, for ſatisfaction of the Council of* England, *were hiſtorically related before them by the ſaid Commiſsioner, to his Majeſty at* Whitehall.

In all which Relation he laid open, not only the Demands controverted, or what had bin debated and not concluded, but alſo ſuch as had bin proponed, and by Perſuaſion or Argument relinquiſhed, and not inſiſted upon. In all which likewiſe he left to themſelves, and thoſe whom by his Majeſty's allowance they were to ſend, to give his Majeſty a timely information of their ſaid Demands.

Which being at two ſeveral times, and in two ſeveral Papers given both to the Earl of Dunfermling *and Lord* Lowdon, *was by them acknowledged to have bin demanded, like as they have under their hands given in in writing their Reaſons for every one of them.*

The Articles given in the firſt day.

1. A Proteſtation given in at the firſt Prorogation of the Parliament, at leaſt given to the Commiſſioner to be repreſented to his Majeſty.

2. *Act* defining the Power of the Articles.

3. New Augmentations to the Cuſtoms to be diſcharged, and no Cuſtom nor Impoſition to be impoſed hereafter, but by advice of the Eſtates.

4. No change of value of Mony or Coinage thereof, but by advice of Parliament.

5. The Book of *Rates* to be reviſed by Parliament.

6. The Caſtles of *Edinburgh*, *Donbarton*, and *Striveling*, to be entruſted only to Natives, and thoſe to be choſen from time to time of honeſt Men, and by advice of the Eſtates.

7. *Act* anent the Judicatory of the *Exchequer*.

The Articles given in the ſecond day.

1. A Proteſtation againſt the Treaſurer and Privy-Seal their precedency, That their giving way to the Treaſurer and Privy-Seal ſhould not prejudg them of their Right.

2. The *Act* anent the Conſtitution of the Parliament in time coming, being by the Articles remitted to his Majeſty to be conſidered of until the next Parliament, was thereafter queſtioned by ſome of the Nobility and Barons, who in their own Name, and Name of the reſt, urged the ſame to be brought in in plain Parliament without any ſuch reference.

3. An *Article* craving every Commiſſioner of the Shires to have a ſeveral Voice.

4. An

15 *Caroli.*

4. An *Article* craving the Parliament to chuſe their own Clerk, or to have two of every Eſtate joined with the Regiſter; and that all Acts voiced in Parliament ſhould be immediately ſubſcribed by two of every Eſtate.

5. *Act* for every Eſtates chuſing of their own Lords of *Articles*.

6. *Act* diſcharging Proxies.

7. *Act* againſt the Book entituled, *A Large Declaration.*

8. Commiſſioners of Shires to give a Roll of the Free-holders, out of which the Juſtices of Peace are to be choſen.

9. *Act* anent the Diſorders in the North.

10. *Act* craving the Council to be ſubalterne and cenſurable by the Parliament.

11. No Patent of Nobility to be granted to any but ſuch as have ten thouſand Marks of yearly Land-rent.

12. No Taxation to be granted but in plain Parliament.

13. *Act* of Pacification.

14. *Act* craving particular Commiſſioners of Juſticiary and Lieutenancy to be diſcharged.

15. *Act* in favour of Sheriffs and Stewards, only to be obliged to produce Hornage for the Taxations.

16. Patent of making Powder to be diſcharged.

17. *Act* diſcharging Remiſſions for Slaugher, or Theft, but upon ſatisfaction to the Party.

18. *Act* diſcharging Protections.

19. *Act* of Common Relief.

20. An *Article* craving the Act 1633 bearing, that Confirmations and Infeoffements of Ward-Lands, ſhall not prejudg the King's Ward to be repealed.

21. *Act* diſcharging the duty paid to the Conſervator upon the Coals.

22. *Act* craving Ammunition and Arms brought in ſince the beginning of theſe Troubles, to be free of Cuſtom.

23. *Act* anent the Election of Preſident of the Seſſion, and admiſſion of the Judges preſented by his Majeſty.

24. *Act* craving Stateſmen being Noblemen, to have but one Voice.

25. His Majeſty's Warrant for Mr. *William Hay* his Deputation in his Father's Place, oppoſed by the reſt of the Clerks.

Whereas the Author, whilſt the Records of *Scotland* were remaining in the *Tower* of *London*, had obtained a brief Collection of the ſeveral Heads of the Acts and Ordinances of the *Scotiſh* Nation; and of the large Treaty, and other Treaties and Tranſactions between the two Nations of *England* and *Scotland*: As likewiſe the ſeveral Acts, Supplications, and Deſires of the General Aſſemblies of *Scotland*, concerning Religion, King, and Kingdoms, Church-Government, their Faith and Covenant, their Proceedings therein, and Ratifications thereof, by their Parliaments, with divers Declarations, Remonſtrances, and Reſolutions thereupon: With their ſeveral Levies and Preparations for War, and Commiſſions and Inſtructions to their Commanders in chief: As alſo their Proclaiming *Charles* the Second; Their Tranſactions with him in *Holland*, and their admiſſion of him to his Roial Power upon Tearms of the Covenant.

An. 1639.

Covenant. Selected out of the Records of the Parliament of *Scotland*, (then remaining in the *Tower* of *London*) beginning the 15*th* day of *May*, 1639, and ending the 8*th* of *March* 1650.

Yet he thinks it convenient at preſent only to give the Reader an account of the Years 1639, and 1640, reſerving the reſt to their proper time and place.

Apud Edinburgum, *May* 15. 1639.

Prima dies Parliamenti.

THe King's Commiſſion is recorded and read for the holding of this Parliament, directed to *John* Earl of *Marr* and others.

The Parliament is continued to the 23 of *July*.

Apud Edinburgum, *Julii* 23. 1639.

The King's Commiſſion is again read.

The Parliament is continued to the 26*th* day of *Auguſt*.

Continuation of the Parliament to the ſecond of *June* 1640, and the King's Commiſſion recorded.

Apud Edinburgum, *Julii* 2. 1640.

Sexta dies Parliamenti.

Follows the Acts and other Matters paſt and done in this Seſſion of Parliament, beginning the ſecond day of *June* 1640, and ending the 11*th* day of the ſame month of *June*.

Act 2.

Act anent the Conſtitution of this Parliament, and all the ſubſequent Parliaments.

Declaration of the Eſtates of Parliament, permitted by them to their Proceedings in Parliament, containing the Reaſons and Neceſſity of the convening and proceeding thereuntil.

Junii 4. 1640.

Act 4.

Act anent the admiſſion of Miniſters to the Kirk, which belonged to Biſhopricks.

Act 5.

Anent the Large Declaration or *Manifeſto*.

Act 9.

Againſt Papiſts.

Sexto Junii 1640. *Decima dies Parliamenti.*

Act 12.

Act Statuary, appointing Parliaments to be holden every three years.

Act

15 Caroli.

Act 13.

Act anent production of the Regiſters and Records of Parliament, to the firſt Seſſion of each Parliament.

Act 14.

Explaining the preceding Acts of Parliament, made againſt Bands and Conventions amongſt the Subjects; as alſo declaring the Bands and Convention made and kept ſince the beginning of the preſent troubles to be lawful.

Act 16.

Act appointing all Grievances to be given in plain Parliament.

Act 18.

Act anent the Ratification of the Covenant, and of the Aſſembly's Supplication; Act of Council, and Act of Aſſembly concerning the Covenant.

The Supplication of the General Aſſembly convened at *Edinburgh* the 12*th* day of *Auguſt* 1639, to his Majeſty's High Commiſſioner, and the Lords of his Majeſty's moſt honourable Privy-Council.

In this is mention made of 107 Kings, chearfully acknowledged by them and their Predeceſſors, and following the laudable Example of their Predeceſſors 1589 Years, do pray that their Confeſſion and Covenant, as a Teſtimony to their fidelity to God, and loyalty to their King, which they had ſubſcribed, may be ſubſcribed by all his Majeſty's Subjects of what Rank and Quality ſoever.

The Act of his Majeſty's moſt Honourable Privy-Council at *Edinburgh*, *Auguſt* 30. 1639. containing the Anſwer of the Supplication above-written.

The Act of the General Aſſembly, ordaining by Eccleſiaſtical Authority the ſubſcription of the Confeſſion of Faith and Covenant.

The Confeſſion of Faith ſubſcribed at firſt by the King's Majeſty and his Houſhold in the Year of God 1580.

Thereafter by Perſons of all Ranks, in the Year 1581, by Ordinance of the Lords of the Secret Council, and Act of the General Aſſembly, ſubſcribed again by all ſorts of Perſons in the Year 1590, *&c.* and again in *Anno* 1638, and now again ſubſcribed.

This Confeſſion of Faith is very largely deſcribed and expreſſed.

Act 19.

Act anent the Ratification of the Acts of the Aſſembly.

Act 24.

Act for the Committees of Eſtates to ſupply the Power of the Parliament.

Nono Junii 1640.

Act 26.

Ratification of General *Leſly*'s Proceedings *Anno* 1639.

Act 27.

Ratification in favours of General *Leſly*, of his Commiſſion to be General 1640, and of other Officers of War.

Act 39.

Act diſcharging all cuſtom of Ammunition brought home to the Lieges for their own uſe, for Defence of Religion, and Liberties of Kirk and Kingdom.

Decimo

An. 1639.

Decimo Junii 1640.

Act 43.

Ordering the whole Subjects and Lieges of this Kingdom to obey, maintain, and defend the Concluſions, Acts, and Conſtitutions of this preſent Seſſion of Parliament, and to ſubſcribe the Band appointed for that effect.

Act 59.

Act continuing the Parliament to the 19*th* day of *November* next.

Act 60.

Declaration and Cloſure of the Parliament.

Apud Edinburgum, *Nov.* 19. 1640.

Quindecima dies Parliamenti.

Act anent the continuation of the Parliament to the 14*th* day of *January* 1641.

The humble and continued Deſires of your Majeſty's Subjects convened in Parliament by your Majeſty's Authority.

'THeſe are the Articles of this Parliament, called at firſt, and convened the ſecond time by your Majeſty's Authority, not in 'common way of calling a Parliament, but by your ſpecial and ſolemn Promiſe in your Majeſty's Royal Declaration, at the time of 'Pacification grounded thereupon, which we now with all humility 'preſent unto your Majeſty's View and Princely Conſideration, as 'containing no new thing different from our firſt and continued 'humble Deſires, and ſerving for the preſervation of our Religion 'and Laws, and for ſetling the Peace of this Kirk and Kingdom under 'your Majeſty's Government: And it was never our mind to deny 'unto your Majeſty, our native King and dread Sovereign, that of 'Civil and Temporal Obedience; ſo do we now all of us, with one 'heart and voice, teſtify to your Majeſty before the World, againſt the 'open Railings and ſecret Suggeſtions of our Enemies, that we accompt 'no earthly thing ſo deſiderable, as to have the happineſs of enjoying 'this Peace under the long and proſperous Reign of your Majeſty, and 'your Royal Succeſſors, in whom we have ſo great and kindly Intereſt. 'And therefore, as it hath been our care and diligence to keep our ſelves 'within the Bounds of Moderation, as your Majeſty's Throne ſtanding before our Eyes had bin filled, and we honoured with your Majeſty's Perſon and Preſence, in acting nothing but the Ratification of 'the Conſtitutions of the late Aſſembly, approved by your Majeſty's 'Commiſſioner, and ſuch other things as do conduce for your Majeſty's 'Honour, and the Good and Peace of this Kingdom; and making no 'kind of alteration, but ſuch as is either by unavoidable Neceſſity, 'and by ſtrength of the Matter it ſelf was origined and driven from 'the Acts of the Aſſembly, and without which they could not be 'ratified, according to your Majeſty's Declaration, or according to 'the Laws, were moſt neceſſary for the preſervation of our Religion

'and

15 *Caroli.*

'and Liberties in time coming; So it is now our humble Petition, 'and confident expectation, that your Majeſty will judg equally of 'the Proceedings of your loyal and well-meaning Subjects, and will 'account of theſe Acts as of your Majeſty's own Laws, ſince they 'have bin preſented with their Parliamentary Reaſons to your Maje-'ſty's examination by our Commiſſioners, and nothing remonſtrate 'to us againſt the equity and neceſſity of them; and thus they are 'concluded in this Parliament (after once prorogation) convened by 'your Majeſty for this effect: We had bin inexcuſable, and could not 'have anſwered to God Almighty, nor to your Majeſty his Vicegerent 'for our Good, if we had not in the extream Exigency of this Kirk 'and Kingdom, made uſe of the Liberty, whereby his Divine Provi-'dence and your Majeſty's Authority and Permiſſion was put into 'our hands.

'When your Majeſty ſhall be graciouſly pleaſed to command that 'theſe Acts be publiſhed in your own Name, as our Soveraign Lord, 'with the Eſtates of Parliament convened by your Majeſty's Authori-'ty; when the Lord *Lowdon*, one of our Commiſſioners ſent from 'the Parliament upon your Majeſty's Warrant, ſhall be returned in 'ſafety, the Caſtles of *Edinburgh*, and other Strengths of the King-'dom, ſhall, with the advice of the Eſtates, according to the firſt 'firſt Foundation, be furniſhed and uſed for our Defence and Securi-'ty, ſome of our Countrymen in your Majeſty's other Dominions, 'ſhall be free from Cenſures for ſubſcribing the Covenant, and be no 'more preſſed with Oaths and Subſcriptions, unwarranted by our 'Laws, and contrary to their natural Oaths and Covenant, approved 'by your Majeſty; others of them who have bin wicked Inſtruments, 'to work us all our woe, and to divide betwixt your Majeſty and the 'Kingdom, ſhall be ſent hither, and put to a Trial according to the 'Laws; Our Ships, and Goods, Souldiers, and others impriſoned, re-'ſtored; and all other our loſſes and wrongs that all this time we have 'ſuſtained, repaired; your Declaration againſt Us, as Traitors, recalled; 'and when your Majeſty ſhall be pleaſed to condeſcend to one ſtable 'and well-grounded Peace, of our enjoying of our Religion and 'Liberties, againſt all fears and moleſtation, and undoing us from 'Year to Year, whereby our Adverſaries may take advantage; then 'will the real Teſtimonies and Royal Proofs of your Majeſty's Juſtice 'and Goodneſs, be ſo ſtrong Bands of Love, and invincible Chains 'to tie our Hearts, that never was there a People more obſequious to 'a King, nor a King more contented and happy in a People: And 'why ſhall we not think that your Majeſty will regard the ſound Judg-'ment and unfeigned Affection of a whole Kingdom, above the Opi-'nion and ſelf-love of a few Male-contents, who are at diſcord with 'the Times, and account your Majeſty's danger and diſhonour, and 'our common Calamities to be a continuance of their juſtly deſerved 'Miſeries? And why ſhall we not hope that your Majeſty's Wiſdom 'will judg it more convenient to beſtow your Royal Favours upon a 'whole Kingdom, wherein every Man of us may have our own be-'nefit, than upon ſome few Perſons, who by their averſion make an 'Eclipſe of your Majeſty's Countenance and Goodneſs at ſo great a 'diſtance? And why ſhall not an Obedient People, that curſeth all 'Rebellion and Treaſon to Hell, where it is hatched, look for better 'days when the Storm is blown over, wherein God may have his own

An. 1639. 'Glory, your Majesty also as much Honour as a good King can require, 'and we your Majesty's Subjects that Peace and Happiness which may 'make us heartily pray for the long and prosperous Raign of our Na- 'tive King and Monarch?

A List of the several Entertainments of the Officers General of the Field; the Lord General his Train; Officers of four Regiments of Foot-Bands, and Companies of Foot-men; Officers General of the Horse, and twelve Troops of Horse.

* 28 days to the Month.

Officers General of the Field.	*Per diem.* l.	s.	d.	*Per* mensem.* l.	s.	d.	*Per annum.* l.	s.	d.
THe Lord General	10	00	00	280	00	00	3065	00	00
The Lieutenant General	06	00	00	168	00	00	2190	00	00
Serjeant Major General	02	00	00	056	00	00	0730	00	00
Quarter-Master General	01	00	00	028	00	00	0365	00	00
Provost Marshal General	00	06	08	009	06	08	0121	13	04
Waggon or Carriage-Master	00	06	08	009	06	08	0121	13	04
Four Corporals of the Field, at 6 *s.* 8 *d.* each	01	06	08	037	06	08	0486	13	04
							7665	00	00
The Lord General's Train.									
Treasurer at War	02	00	00	056	00	00	0730	00	00
Muster-Master General	01	00	00	028	00	00	0365	00	00
Commissary Gen. of the Victuals	00	10	00	014	00	00	0128	10	00
Judg-Marshal	00	10	00	014	00	00	0128	10	00
Two Chaplains, at 6 *s.* 8 *d.* each	00	13	04	018	13	04	0243	06	08
Two Physicians, at 6 *s.* 8 *d.* each	00	13	04	018	13	04	0243	06	08
Two Apothecar. at 3 *s.* 4 *d.* each	00	06	08	009	06	08	0121	13	04
Secret. to the Council of War	00	10	00	014	00	00	0182	00	00
Two Chirurgeans at 4 *s.* each	00	08	00	011	04	00	0146	00	00
Fifty Halberdiers, at 1 *s.* each	02	10	00	070	00	00	0912	10	00
							73309	6	08
Four Colonels of four Regiments of Foot, each Regiment consisting of 1500 Men, at 1 *l.* each Colonel *per diem*,	04	00	00	112	00	00	1460	00	00
Four Lieutenant Colonels, at 10 *s.* each	02	00	00	056	00	00	0730	00	00
Four Serjeant-Majors, at 6 *s.* each,	01	04	00	033	12	00	0438	00	00
Four Quarter-Masters, at 5 *s.* each,	01	00	00	028	00	00	0365	00	00

Four

	Per diem.	Per mensem.	Per annum.
	l. s. d.	l. s. d.	l. s. d.
Four Provoſt-Marſhals, at 5 s. each,	01 00 00	028 00 00	0365 00 00
Four Carriage-Maſters, at 3 s. each,	00 12 00	016 16 00	0219 00 00
Three Preachers, at 3 s. each,	00 12 00	016 16 00	0219 00 00
Four Chirurgeans, at 4 s. each,	00 16 00	022 08 00	0292 00 00
	03 00 00	084 00 00	1095 00 00

The Pay of a Colonel's Company *of* 200 *Men, in each of the four Regiments.*

A Captain, *per diem* 8 *s.* A Lieutenant, 4 *s.* Enſign, 12 *s.* 6 *d.* Three Serjeants, at 1 *s.* 2 *d.* each. Three Drums, at 1 *s.* each. Three Corporals, at 10 *d.* each. 188 Souldiers, at 8 *d.* apiece.

Being in all for one Colonel's Company of 200 Men,

	l.	s.	d.
Per diem		07	08 10
Per menſem	208	07	04
Per annum	2717	04	02

And ſo for four Colonels Companies, of 200 Men each,

Per diem	29	15	04
Per menſem	833	09	04
Per annum	10864	16	08

The Pay of a Lieutenant Colonel's Company of 150 *Men, in each of the four Regiments.*

A Captain, *per diem* 8 *s.* A Lieutenant, 4 *s.* Enſign, 2 *s.* 6 *d.* Two Serjeants, at 1 *s.* 4 *d.* a piece. Two Drums, at 1 *s.* a piece. Three Corporals, at 10 *d.* a piece. And 140 Souldiers, at 8 *d.* apiece.

In all,

	l.	s.	d.
Per diem		5 14	08
Per menſem	160	10	08
Per annum	2093	13	04

And ſo for four Lieut. Col. Companies, of 150 Men each.

Per diem	23	18	08
Per menſem	642	02	08
Per annum	8370	13	04
	8590	16	08

An. 1639.

Four Regiments of Foot, containing in Officers and Souldiers 6000 Men, being 1500 Men in each Regiment, viz.

The Pay of a Company of 115 Men, viz.

A Captain, *per diem* 8 *s.* Lieutenant 4 *s.* Enſign 2 *s.* 6 *d.* 2 Sergeants at 14 *d.* each; three Corporals at 10 *d.* each, and 105 Souldiers at 8 *d.* each *per diem.*

	l.	*s.*	*d.*
In all for one Company of 115 Men *per diem*	04	11	04
per menſem	127	17	04
per Annum	1666	06	08

And ſo for forty Companies, of 115 Men the piece, being ten Companies in each of the four Regiments, beſides the Colonels and Lieut. Colonels Companies.

per diem	182	13	04
per menſem	5114	13	04
per Annum	66673	06	08

Officers General of the Horſe.

	Per diem. *l.*	*s.*	*d.*	*Per menſem* *l.*	*s.*	*d.*	*Per Annum.* *l.*	*s.*	*d.*
The General of the Horſe	05	00	00	140	00	00	1825	00	00
Lieutenant General	02	00	00	56	00	00	730	00	00
Sergeant Major, or Commiſſary General	01	10	00	42	00	00	548	10	00
Quarter-maſter General	00	06	08	09	06	08	121	13	04
Provoſt Marſhal	00	05	00	07	00	00	91	05	00
Waggon or Carriage-maſter	00	03	04	04	13	04	60	16	08
Preacher	00	04	00	05	12	00	73	00	00
Chirurgean	00	04	00	05	12	00	73	00	00
In all							3522	05	00

The Pay of a Troop of a hundred Horſe, viz.

A Captain, *per diem* * 8 *s.* a Lieutenant 5 *s.* a Coronet 4 *s.* Three Corporals, at 2 *s.* each; two Trumpeters, one Quarter-maſter, a Chirurgean, and 80 Horſemen, at 2 *s.* 6 *d.* each *per diem.* After which Rates, the pay of a Troop of 100 Horſemen with their Officers, is

* If not a miſtake.

per diem	13	01	00
per menſem	365	08	00
per Annum	4763	05	00

And

		l.	*s.*	*d.*
And so the Pay for 12 Troops of 100 Horse the piece, with their Officers, is	*Per diem*	156	12	00
	Per mensem	4384	16	00
	Per Annum	57159	00	00

Sum total of the Entertainment aforesaid, is

Dated the 19*th* of *March*, 1639.

per diem	442	17	08
per mensem	12420	14	08
per Annum	161652	08	04

A List of the Train of Artillery, according to his Majesty's Direction, reduced to such a number of Officers and other Ministers as will be meerly necessary for a mean Train of 30 *or* 40 *Pieces of Ordnance*, viz.

	Per diem.			*Per mensem*			*Per Annum.*		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
THe General of the Ordnance	04	00	00	112	00	00	1460	00	00
Lieutenant	01	00	00	28	00	00	365	00	00

Sundry other Officers, Artificers, and Attendants upon the Ordnance and Train of Artillery, viz.

	s.	*d.*
A Comptroller, *per diem*	10	00
Two Commissaries of the two Magazines of Munition, *viz.* one for the Train at	06	00
The other for the Army	05	00
4 Clerks under them, each	02	00
Two Engineers, one at	08	00
and the other at	06	00
2 Clerks for them, each	02	00
Six Conductors of the Trenches & Fortifications, each	02	06
One Fireworker	03	00
his Assistant	01	08
One Petardier	02	06
Twelve Assistants, each	01	00
One Master Gunner	06	08
Four Gentlemen, each	04	00
Gunners Mates, each	02	06
Thirty Gunners, each	01	06
A Pay-master	05	00
Capt. of the Pioneers	05	00
Quarter-master	04	00
Four Conductors of the Matrozes	02	06
Forty Matrozes, each	01	00
A Purveyor	03	00
One Master Smith	03	00
6 Servants under him, each	01	00
One Mr. Wheelwright, at	02	06
four Servants under him, each	12	
One Tent-maker	02	00
2 Servants, each	01	00
A Tent-keeper, at	01	06
one Assistant to him	00	08
A Mr. Carpenter	03	00
6 Servants under him, each	01	00
One Cordage-maker	02	00
2 Servants under him, each	01	00
One Saddle-maker	01	06
one Servant under him	01	00
One Cooper	02	00
2 Servants under him, each	01	00
Four Armorers, each	02	06
4 Servants under them, each	01	00
Two Gunsmiths, each	02	06
four Servants, each	01	00
One Harness-maker, at	01	06
2 Servants under him, each	01	00

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	s.	d.
One Farrier, at	02	06
2 Servants under him, each	01	00
One Bridgmaker	02	06
Six Servants, each	01	00
One Provoſt Marſhal	02	00
2 Servants under him, each	01	00
One Chirurgean	04	00
one Servant under him	01	00
1 Waggoner for the Train	05	00
one Aſſiſtant to him	02	06
Two Principal Conductors, *viz.* one for the Munition of the Army, the other for the Munition of the Artillery, each	03	00
Forty Conductors, *viz.* 20 for the Waggons, and 20 for the Ordnance, each	02	06
One Commiſſary for the Draught-horſes, at	04	00
Two Aſſiſtants to him, each	02	06

	l.	s.	d.
In all *per diem*	21	07	06
per menſem	598	10	00
per Annum	7182	00	00

Sum total of the Officers, Artificers, and other the Attendants.

per diem	26	07	06
per menſem	678	10	00
per Annum	8820	10	00

Whitehall, the laſt of *March* 1639.

Signed by,

Lord Arch-Biſhop of *Canterbury*.
Lord *Keeper*.
Lord *Treaſurer*.
Lord *Privy-Seal*.
Lord Marqueſs *Hamilton*.
Earl of *Northumberland*.
Lord *Chamberlain*.
Earl of *Dorſet*.
Earl of *Bridgwater*.
Earl of *Berk-ſhire*.
Earl of *Morton*.
Lord *Cottington*.
Lord *Newburgh*.
Mr. *Treaſurer*.
Mr. *Comptroller*.
Mr. Secretary *Windebank*.

In the month of *November* this Year, the Lord *Wentworth* Deputy of *Ireland*, arrived at the Court of *England*, where he appeared in much favour with the King, and in high Reputation for his Ability in Matters of State; and the King took him into his Cloſeſt Councils, for the better forming and finiſhing thoſe Deſigns which were then begun; and his Majeſty gave him an Increaſe of Honour, creating him Earl of *Strafford*, Lord Lieutenant of the Kingdom of *Ireland*, and Knight of the moſt Noble Order of the Garter. He was conſtituted Lord Lieutenant, for that (as his Patent runs)

OBſequium ſuum & induſtrium Nobis egregie probaverit, dum officium deputatus Noſtri in Regno Noſtro Hiberniæ, & Præfecturam Generalem exercitus noſtri ibidem conſcripti ſive ſummæ Adminiſtravit, reſque noſtras illius Regni ea prudentia ordinaverit ut Noſter Honori Saluti, Eccleſiæ populoque Univerſo optime conſulerit.

After

S.t THOMAS WENTWORTH K.t EARLE of STRAFFORDE,
Viscount Wentworth, Baron Wentworth of Wentworth Wood
howse, Newmarch, Oversley & Raby, L.d Lieutenant Generall
and Generall Governor of the Kingdome of Ireland, and L.d
President of y.e Councill establish ed in y.e North parts of England
L.d Lieutenant of y.e County & City of York, & one of his Ma.ty most hon.
Privy Councill, and Knight of y most Noble order of the Garter.

15 *Caroli.*

After ſome weeks conſultation with his Majeſty about the *Scots*, and other publick Affairs, he returned to *Ireland* to meet that Parliament which before was ſummoned, and to levy Men to encreaſe his Army for the neceſſary Defence of the King and his Kingdom.

Before he took leave of the King, there was a Subſcription of a Loan at the Council-Board to ſupply his Majeſty with Mony; the Earl began firſt, and (for example) ſubſcribed 20000 *l.* and afterwards arrived at *Dublin*, *March* the 18*th* the ſame Year 1639.

Upon the meeting of the Parliament, he ſo well improved his Intereſt and Power, as that he gained from them four entire Subſidies. And in the Preamble of the ſaid Act for Subſidies, ſundry great Cauſes of Joy and Comfort are expreſſed by the Miniſtration of the Lord Lieutenant: Particularly,

'In that his Majeſty hath provided and placed over us ſo Juſt, Wiſe, 'Vigilant, and Profitable a Governour, as the Right Honourable '*Thomas* Earl of *Strafford*, Lord Lieutenant of this your ſaid King-'dom of *Ireland*, who by his great care and travel of Body and Mind, 'ſincere and upright Adminiſtration of Juſtice without partiality, en-'creaſe of your Majeſty's Revenues, without the leaſt hurt or grie-'vance to any of your well-diſpoſed and loving Subjects, and our 'great Comfort and Security, by the large and ample Benefits which 'we have received, and hope to receive by your Majeſty's Commiſſion 'of Grace for Remedy of Defective Titles, procured hither by his 'Lordſhip from your Sacred Majeſty; His Lordſhips great care and 'pains in Reſtoration of the Church; the reinforcing of your Army 'within this Kingdom, and ordering the ſame with ſingular good 'Diſcipline; His ſupport of your Majeſty's wholſome Laws here eſta-'bliſhed; his encouragement to your Judges, and other good Officers, 'Miniſters, and Diſpenſers of your Laws in the due and ſincere Ad-'miniſtration of Juſtice; his neceſſary and juſt ſtrictneſs for the Exe-'cution thereof, his due puniſhment of the Contemners of the ſame, 'and his care to relieve and redreſs the Poor and Oppreſſed. For this 'your tender care over us ſhewed by the Deputy, and ſupporting ſo 'good Governors, *&c.* We in free recognition of your great Good-'neſs towards Us, do, for the abreviation of ſome part of your Ma-'jeſty's ineſtimable Charges, moſt humbly and freely offer to your 'Majeſty four entire Subſidies, *&c.*

And after the Lord Lieutenant's return again into *England* in the beginning of the Year 1640, his Majeſty honoured him with a Commiſſion to be Lieutenant General of his Majeſty's Army to march againſt the *Scots*, the Earl of *Northumberland* being made General, but the burden of the Conduct lay upon the Lieutenant General, by Reaſon of the Earl of *Northumberland*'s indiſpoſition as to his health.

A Complaint by Dr. *Belcanqual* Dean of *Durham*, againſt his Tenants.

On the 11*th* of *March* 1639, *Walter Belcanqual*, Dean of *Durham*, complained of *George Grey* and *Anthony Smith*, two of the Tenants of the Dean and Chapter of *Durham*, for Miſdemeanours committed by them, in getting divers of the Tenants of the ſaid Dean and Chapter, to ſet their Hands and Seals to divers Papers and Petitions of

An. 1639. of Complaint againſt the ſaid Dean and Chapter their Landlord, and to contribute Mony for Proſecution of their Complaints; and as the ſaid Dean did alleage, They did not make known to the Dean and Chapter their Grievances before they came up to complain.

The ſaid *Grey* and *Smith* appearing before the Lords of the Council, did acknowledg, that what was alleaged againſt them was true as to the ſubſcribing Petitions; but declared they had cauſe to complain againſt the Dean and Chapter, for that contrary to a Decree entred in the Court of *York* and elſewhere in the time of Queen *Elizabeth*, which did aſcertain their Right in the renewing their Leaſes, with favour to them in reſpect of their Tenant-Right; and that a ſmall Fine (in compariſon of what the Dean and Chapter now required of them) had wont to be paid; of which, they ſaid, they often complained as a Grievance, but never obtained hopes of Relief from them.

The Council-Board after hearing the Buſineſs, declared themſelves diſſatisfied with the Tenants Proceedings; and the Arch-Biſhop of *Canterbury* moved, That the Dean and Chapter might do well to proceed againſt them in the *Star-Chamber*, and never to renew their Leaſes to the Tenants, or the Children of them who did complain; and that it were fit they ſhould be committed to Priſon till they did produce the Schedule of Grievances ſubſcribed by the Tenants to diſcover their Names; and that they ſhould pay ſo much Mony as they received from thoſe Tenants (who impowred them to proſecute this their Complaint) to one of the Clerks of the Council, and that nothing ſhould be deducted out of the ſame, to allow the ſaid *Grey* and *Smith* any thing towards the defraying of their Charges or Monies laid out about the proſecution of this Buſineſs: for, ſaid the Arch-Biſhop, he was confident it was a practice againſt the Church, and did believe there was ſome further deſign in the Buſineſs.

Hereupon the Council-Board ordered that *Grey* and *Smith* be committed to the *Gatehouſe*, and there to lie in Priſon until they produce a Schedule of the Names of the Subſcribers, and that they did pay the Mony they had confeſſed to have received (which was about the ſum of 80 *l.*) unto the hands of Sir *William Beecher* one of the Clerks of the Council; which they paid accordingly, but continued in Priſon many weeks, becauſe they would not deliver up the Liſt of the Tenants Names that ſubſcribed the Petition: But a Parliament meeting *April* 13 next following, they were ſet at liberty by the Council-Board, without delivering up the Liſt of the Tenants Names, and the Paper of Subſcription containing their Grievances.

The Author of theſe Collections having caſually miſlaid the Decree at large which the High Court of *Star-Chamber*, paſſed againſt the Mayor and Commonalty of the City of *London*, and againſt the Society of the Governor and Aſſiſtants of *London* of the New Plantation of *Ulſter* in the Kingdom of *Ireland*, is not able to give a full and clear account thereof, being a Caſe of great weight, and which held ſeventeen days hearing, the Court ſitting *de die in diem*, in a long Vacation, the Author being then in the North; the Reader therefore is deſired to inform himſelf as to that great Caſe, of ſome Proceedings in the beginning of that Parliament, which met the third of *November* 1640, whilſt the King remained with his Parliament, tho at that very

very time he was gone to *Edinburgh* in *Scotland*, to confirm the Peace betwixt the two Nations of *England* and *Scotland*; and upon his return was magnificently entertained by the City of *London*, as will be at another time fully declared. 15 *Caroli.*

The Reſolves of the Commons Houſe of Parliament, as to this Caſe of London-Derry, *were as followeth.*

'UPon Mr. *Whiſtler's* Report of the Caſe of *London-Derry*, Reſol-
'ved upon the Queſtion, That the Opinion of this Houſe is,
'That the Citizens of *London* were ſolicited and preſſed to the under-
'taking of the Plantation of *London-Derry*.

'Reſolved upon the Queſtion, That the Copy atteſted with
'Mr. *Goad's* hand, is a true Copy of the Sentence given in the *Star-*
'*Chamber* againſt the Maſter and Commonalty of the City of *London*,
'and the Society of the Governor and Aſſiſtants of *London*, of the
'New Plantation of *Ulſter* in the Kingdom of *Ireland*.

'Reſolved, *&c.* That the Order made in the Court of *Star-Cham-*
'*ber*, dated the 8 *Martii*, 8 *Car.* is unlawful, both for the Matter,
'Perſons, and Time therein prefixed.

'Reſolved, that this Houſe is of Opinion, That the King was not
'deceived in the Grant which he made unto the Society of Gover-
'nors and Aſſiſtants of *London* of the New Plantation of *Ulſter* in
'the Kingdom of *Ireland*, in particular, not in creating a New Cor-
'poration called, *The Society of the Governors and Aſſiſtants of* Lon-
'don *of the New Plantation of* Ulſter *in the Kingdom of* Ireland.

'Reſolved, that this Houſe is of Opinion, That the King did not
'by that Patent grant more Land than was by him intended to be
'granted, nor was therein deceived.

'That it doth not appear by ſufficient proof, That the Citizens of
'*London* were tied to perform the printed Articles, and conſequently
'not bound to Plant with *Engliſh* and *Scots*, nor reſtrained from
'planting with Natives.

'By the 27 Articles, the City was to build two hundred Houſes in
'*Derry*, and an hundred at *Colrain*, by the firſt day of *Novem-*
'*ber* 1611; admitting that the Houſes were not built, nor the Caſtle
'of *Culmore* repaired by the time prefixed, yet this is no Crime nor
'Cauſe for giving Dammages, in regard the City had not their Patent
'until the 29*th* of *March* 1613.

'That there is no proof that the Governor, *&c.* of the New Plan-
'tation, or any of their Companies, did make any Leaſe unto any
'Popiſh Recuſant; nor of any decay of Religion there by default of
'the Planters.

'There is no proof of any default in the Planters, for not making
'a ſufficient number of Freeholders, nor any Articles that do tie
'them thereunto.

'That there is no proof, that the City of *London*, or the Gover-
'nor of the New Plantations, have felled any Trees in the Woods
'called *Glancankin* and *Kellytrough*, contrary to their Covenant.

'That the not conveying of the Glebe Lands to the ſeveral Incum-
'bents of the ſeveral Pariſh-Churches, in regard they did enjoy the
'Lands, is no Crime puniſhable, no cauſe of ſeizure of their Lands.

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'That the Breach of Covenant (if any ſuch were) is no ſufficient 'Cauſe to forfeit the Lands.

'That the breach of Covenant is no Crime, but triable in ordinary 'Courts of Juſtice.

'That the Court of *Star-Chamber*, while it ſtood as a Court, had no 'Power to examine Freehold nor Inheritance, nor had any Power to 'examine or determine breach of Covenant or Truſts.

'That the Sentence upon theſe two Corporations aggregate no par-'ticular Perſon being guilty, it is againſt Law.

'That in all the Proofs of this Cauſe, there doth not appear Mat-'ter ſufficient to convince the City of *London* of any Crime.

'That upon the whole Matter, the Sentence in the *Star-Chamber* 'was unlawful and unjuſt.

'That this Compoſition and Agreement made with the City upon 'theſe tearms in the time of Extremity, ought not to bind the 'City.

'That the Opinion of the Houſe is, That they think fit, that both 'the Citizens of *London*, and thoſe of the New Plantation, and all 'under-Tenants, and all thoſe put out of Poſſeſſion, by the Seque-'ſtration or King's Commiſſioners, ſhall be reſtored to the ſame ſtate 'they were in before the Sentence in the *Star-Chamber*.

'That the Citizens of *London*, and all they againſt whom the 'Judgment is given in the *Scire Facias*, ſhall be diſcharged of that 'Judgment.

The Author had a full purpoſe to have given the Reader a Report of many Caſes in the *Court of Honour*, or *Lord Marſhal's Court*, (which uſed to ſit in the *Painted Chamber*) which Caſes he took with his own Pen, but poſtponed the tranſcribing thereof, hoping to have finiſhed the ſame in time, but is now prevented in doing thereof by his conſtant attendance upon ſeveral Printing-Preſſes to haſten out this Second Part of *Collections* before *January* 26. 1679. yet ſomething the Author by his Memory doth call to mind of Proceedings in that Court.

The principal Caſe there heard, as to Deſcent and Coat of Arms, was in the Caſe of [*Weſt*] Lord *De la Ware*, the Proceedings wherein did carry good Reputation of Juſtice with it, in giving relief to that Noble Family; the Caſe was thus,

There was a Perſon took upon him the Name of *Weſt*, himſelf being of a far different Name by Birth; and aſſumed not only the Name, but the Coat of Arms of the Family of [*Weſt*] Lord *De la Ware*: Whereas the ſaid pretended *Weſt* had got the Name of [*Weſt*] by his great skill in Wreſtling in *Lincolns-Inn Fields*, who went by the Name of *Jack of the Weſt*, but was indeed an Hoſtler: Afterwards he came to be an Inkeeper, and got a good Eſtate, and maintained his Son at the *Inns of Court*; but the Son was impatient till he did let the World ſee that he was a Perſon honourably Deſcended, and thereupon did, by virtue of his Patent, take place of ſome of the Gentry his Neighbours in *Hampſhire*; which did ſo diſoblige them, (they knowing his Original) as they acquainted ſome of the Family of the Lord *De la Ware* therewith; who being then an Infant, yet did by his Guardian bring this Caſe to a hearing in the Court of *Honour*;

Honour; where this pretended *Weſt* produced his Patent granted by the *Herauld*, that he was thus deſcended, as if it were (but the Author remembers not the names certainly) from *John Weſt*, the Son of *Robert Weſt*, the Son of *Roger Weſt*, the Fourth Son of the Lord *De la Ware*. 15 *Caroli.*

On the other part it was made out, on the behalf of the Lord *De la Ware*, that there were ſuch Perſons as were named in the Patent, and that one of them went beyond Sea, who was conceived to be dead, but was now come over, and then preſent in Court; and there it was made out that this *Weſt* the Hoſtler aſſumed his Deſcent to be from the Gentleman, that ſo appeared in Court: So upon the whole Bearing of the Buſineſs, the Court was fully ſatisfied of the Abuſe by the ſaid *Weſt* the Hoſtler done to the Family of *Weſt* Lord *De la Ware*. Whereupon he was ordered to be Degraded, and never to write himſelf Gentleman any more, and to pay 500 *l.* Fine. Some other Circumſtances did attend his Degradation, which cannot now be called to mind.

The next Caſe of note to this which the Author then obſerved, was between *Pierpoint* and *Coply* about Matter of Honour, and Precedency in Antiquity of Families; when the Cauſe came to hearing, both Families proved their Pedigree from the Conqueſt; but foraſmuch as there were ſcandalous words proved to be ſpoken by the ſaid *Coply*, to the defamation of the Family of *Pierpoint*, the Sentence paſſed againſt *Coply*, and 300 *l.* Fine ſet.

Except theſe two Caſes, the Author (who frequently attended there for three or four Years to take Reports) cannot call to mind any other Caſe remarkable; but many were the Complaints by way of Libel (that Court proceeding according to the Civil Law) againſt others, for giving a Gentleman words tending to the defamation of a Family well deſcended:

As for inſtance, One *Brown* ſet forth in Libel his Deſcent; that another Perſon, in way of defamation, ſaid, he was no Gentleman, but deſcended from *Brown* the great Pudding-eater in *Kent*; but it appearing he was not ſo deſcended, but from an Ancient Family, he that ſpoke the words underwent the Sentence of the Court, and decreed to give Satisfaction to the Party complaining.

In another Caſe, a Citizen of *London* was complained of, who going to a Gentleman, well deſcended, for ſome Mony that was due unto him; the Gentleman not only refuſed to pay him the Mony, but gave him hard words; then ſaid the Citizen, Surely you are no Gentleman that would not pay your Debts, with ſome other reflecting Language; and the Citizen underwent the Cenſure of the Court.

The Author can give no further account at preſent of the Proceedings in that and other Caſes; but if he be permitted to proceed, he will ſupply this defect in his next *Remains*.

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Yet the Reader is desired to excuse a little Digression out of Time, to give some small account of this *Court of Honour*, and what passed concerning the same in the beginning of the Parliament, which met the third of *November* 1640, when several Petitions, by way of Complaint, came to the Parliament against the Proceedings of this Court; which being read, were referred to a Committee, *viz.* To

Mr. *Selden.*	Mr. *Palmer.*
Mr. *Hollis.*	Sir *John Culpeper.*
Mr. *Hide.*	Mr. *Maynard.*
Lord *Faulkland.*	Dr. *Parry.*
Dr. *Eden.*	And others.

To whom this Power was given to receive all Petitions that shall be brought unto them, concerning the *High-Constable* and *Earl-Marshal's Court*; and to enquire after the Fees of the *High-Constable* and *Earl-Marshal's Court*, and the *Herald's* Fees; and to consider of the Proceedings and Power of the *High-Constable* and *Earl-Marshal's Court*, and to report the state of the whole Matter to the House.

Mr. *Edward Hide* being called to the Chair by this Committee, made a Report from them to the House.

1. That the *Constable* and *Earl-Marshal's Court* have no Jurisdiction to hold Plea of Words.

2. That the *Earl-Marshal* can make no Court without the *Constable.*

3. That the *Earl-Marshal's Court* is a Grievance.

All which Opinions of the Committee, the *House* confirmed by several Votes agreeing with them therein.

And further Power at this time was given to the Committee, whereof Mr. *Hide* was in the Chair;

1. That they do consider who they are that are guilty of this Grievance by the *Earl-Marshal's Court.*

2. To consider of the Nature of the Crime which they are guilty of.

3. That they prepare and draw up a Charge to be transmitted to the Lords, against those who have thus, to the Grievance of the Subject, usurped this Jurisdiction.

Concerning the Forest in Essex, *&c.*

We did forget to mention, in order of Time, some Proceedings concerning the Forests in *England*, especially in the County of *Essex*, before the *Justice in Eyre*, and those joined in Commission with him; against whose Proceedings the Country made grievous Complaints, that the Meets, Meers, Limits and Bounds of Forests were adjudged by them to extend further than they were taken to be in the 20*th* Year of King *James*, and contrary to those Bounds by which the Country had enjoied them near the space of 300 Years; and also complained that the said Court, to effect their Design, did unlawfully procure

procure undue Returns to be made by Jurors, in joining with them other Persons who were not sworn; the Court also using threatning Speeches to make them give a Verdict for the King.

And when the Country, who found themselves hardly dealt withal, did desire to traverse the Proceedings against them, having just cause to except against the Evidence; yet the Court denied the same, except what they should verbally speak; Whereupon the Council for the Country told the *Justice-Seat*, That their Proceedings were contrary to Law, and to the Charter of the Liberties of the *Forests*, and other Charters, and divers Acts of Parliament. Nevertheless the Court obtained a Verdict for the King; at which time the *Justice-Seat* was called by Adjournment to sit, and continued sitting, to maintain and confirm the Verdict given against the Country.

It so happened, that when the Court was to declare their final Decree and Sentence against the People inhabiting in the *Forests* in *Essex*, sitting then at *Stafford-Langton* near *Bow*, about three miles distant from *London*, that there came a drove of Calves passing through the Town towards *London*, and when they were at the open place in that Town over against the *Justice-Seat*, they sullenly made a stand and a great bleating, with such an united and unmeasurable noise, as the Court could not hear themselves to declare what was intended in giving Judgment; so that after they had forbore speaking till the noise was over, and the Calves with much difficulty removed towards *London*, then the Court proceeded to give their final Sentence, as to the *Forests* in *Essex*, against the Country, by which many Inhabitants were fined great Sums of Mony, or forthwith depart from their Houses and Estates, and retire out of the *Forests*, for that they were found, by Verdict given against them, to have encroached upon the *Forests*.

There is one Circumstance, which to divert the Reader, is mentioned, That a Knight of the County of *Suffolk* having Lands within the *Forest* (upon this occasion) told a Knight of the County of *Essex*, That the *Essex*-Calves did make that bleating, as if the dumb Creatures did understand that Sentence was to be pronounced against the Inhabitants in the *Forest* in whose Grounds they fed. But the *Essex* Knight took exception to the words, [*Essex*-Calves] and told the other Knight, They were *Suffolk* Calves driven through *Essex*, therefore said the *Essex* Knight, Let not Calves hereafter be cast upon *Essex* alone, but let *Suffolk* bear a share.

Here followeth a further account of what was Registred by Sir *Alex. Gibson*, in the Year 1641, his Majesty being then present at the Parliament at *Edinburgh*, who was pleased to give his consent in that Parliament to the confirmation of the Treaty between both Kingdoms, which corroborates all the Proceedings that were at the Treaty at *Ripon*, and afterwards at the Treaty at *London*, which account will not be unacceptable for the Reader to be informed of for his better understanding the future History, tho now a little out of time.

Apud Edinburgum, *Jan.* 14. 1640.

Act 2.

Instructions upon production of the King's Letter.

Act 3.

Act anent the continuation of the Parliament to *April* 13. 1641.

Apud

An. 1639.

Apud Edinburgum, *April* 13. 41.

Inſtruments upon production of the King's Letter, and Proteſtation of the Eſtates.

Act anent the continuation of the Parliament to *May* 25. 1641.

Apud Edinburgum, *May* 25. 1641.

Inſtruments upon production of the King's Letter, and Proteſtation for the Eſtates.

Act anent the continuation of the Parliament to *July* 15. 1641.

Apud Edinburgum, *July* 15. 1641.

Concerning the Government Civil.

July 16. 1641.

A Committee for Ordering the Houſe of Parliament.

19 *Julii* 1641.

A Letter from the Eſtates of Parliament to the Commiſſioners at *London*.

Articles agreed upon by the Eſtates for ordering the Houſe of Parliament.

27 *Julii* 1641.

Commiſſion and Warrant for concluding and ſubſcribing of the Treaty.

Penultima Julii 1641.

Commiſſion for examination of Witneſſes at *London*, upon the Libel againſt the Incendiaries.

4 *Auguſti* 1641.

Act and Proclamation for apprehending the Incendiaries.

10 *Auguſti* 1641.

Ordinance of Parliament for meeting and receiving the King's Majeſty.

Warrant to the Lord *Yeſter* and others under-written, for ſeeing of the Rools and Accounts in the Caſtle.

13 *Auguſti* 1641.

Warrant for ane Proclamation diſcharging all Noblemen who are cited to the Parliament, and have not ſubſcribed the Covenant-Band for maintenance of the Acts, and tane the Oath, to have Place or Voice in Parliament.

Ordinance for giving Information to his Majeſty of all that is paſt heretofore in this Seſſion of Parliament.

Apud Edinburgum, *Aug.* 17. 1641.

The King's Majeſty preſent in Parliament.

18 *Auguſti* 1641.

Act anent the Oath to be given to every Member of Parliament.

24 *Auguſti* 1641.

Inſtruments tane by the Lord *Lowdon* upon the production of the Treaty, and others after ſpeciſied, and mentioning the 220000 *l.* of Brotherly Aſſiſtance from *England*.

26 *Auguſti* 1641.

Act anent the Ratification of the Articles of the Treaty ſuperſcribed by the King, and ſuperſcribed by the Preſident of Parliament.

The King's Commiſſion is recited.

And in like manner a Commiſſion hath bin granted by the Committees of this Parliament of *Scotland*, bearing date the laſt of *October*, and the 4th day of *November* 1640. and in the words following.

We the Commiſſioners of the Parliament of *Scotland*, &c.

Articles

15 *Caroli.*

Articles of the large Treaty concerning the eſtabliſhing of the Peace betwixt the King's Majeſty and his People of *Scotland*, and betwixt the two Kingdoms, agreed upon by the Scotiſh and Engliſh Commiſſioners at the City of *Weſtminſter*, the 7*th* day of *Auguſt* 1641.

Concerning an Act of Pacification and Oblivion.

The Propoſitions and Articles given in by the Scotiſh Commiſſioners, after the Lord *Lowdon* his return from the Parliament of *Scotland*, in twelve Articles.

The Engliſh Lords Commiſſioners anſwer to twelve Articles.

And the King's Aſſent.

Orders of the Parliament anent the diſbanding of the Engliſh Army.

Inſtructions by the King's Majeſty, and Eſtates of Parliament of *Scotland*, to the Lord *Maitland*, That both the Engliſh and Scotiſh Armies diſband at one certain day.

2 *Septemb.* 1641.

Act anent incovenanting Patrons.

14 *Septemb.* 1641.

Act containing the Form and Words to be ſubjoined to the exemplification of the Treaty under the Great Seal.

Carolus *Dei Gratia*, Scotiæ, Angliæ, Franciæ, & Hiberniæ, *Rex*, &c.

18 *Septemb.* 1641.

Warrant for printing the Articles of the Treaty.

28 *Octob.* 1641.

Committee anent the Commotions in *Ireland.*

1 *Novemb.* 1641.

Anent the Commotions in *Ireland.*

Order of Parliament for recalling of the Marqueſs of *Hamilton*, Earls of *Argile* and *Lanerick*, to the Parliament.

6 *Novemb.* 1641.

Order of the Creation of the Lord General to be Earl of *Levyn.*

Act in favour of the Prince Elector *Palatine*, for 10000 Foot to be ſent into *Germany.*

Commiſſion for receiving of the Brotherly Aſſiſtance from the Parliament of *England*, viz. 220000 *l. Sterling*, conform to the Articles of the Large Treaty.

16 *Novem.* 1641.

Commiſſion for conſerving the Articles of the Treaty.

Commiſſion anent the *Articles* referred to conſideration by the *Treaty.*

Commiſſion for Reviſing the Regiſters and Records.

The Lord Chancellor *Lowdon*, the Earl of *Argile*, the Earl of *Lauderdale*, and Clerk Regiſter, Commiſſioners to reviſe and look over all the whole Regiſters and Records of Parliament, and all other Records, and to make Inventories and Regiſters thereto, ſaving the Right of the Regiſter's Place, with all Profits incident thereanent.

17 *Novemb.* 1641.

Warrant to the Secret Council, for giving Inſtructions to the Commiſſioners for the Remainder of the Treaty.

Act appointing the next Parliament to convene the firſt *Tueſday* of *June* 1644.

These before-written Acts, Ordinances, and Statutes, of the aforeſaid Parliament, are Collected, Reviſed, Recorded, and Booked, by me Sir *Alexander Gibſon* younger, of *Dury*, Clerk of our Soveraign Lord

An. 1639. Lord his Rolls, Regiſter, and Council, witneſſing hereunto my Sign and Subſcription Manual.

Alexander Gibſon, Cler. Regis.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1638.

By the KING.

York, April 9. A Proclamation declaring his Majeſty's Gracious Pleaſure touching ſundry Grants, Licences, and Commiſſions, obtained upon untrue Surmiſes.

Whitehall, March 25. A Proclamation concerning Tobacco.

Berwick, June 10. A Proclamation to reſtrain the tranſportation of Butter out of this Realm.

Berwick, July 7. A Proclamation for the better Regulation of the Offices of Clerk of the Market, and Water-Bailiff; and to reſtrain the execution of the Charter of Brick, and Tile-makers; and to redreſs Abuſes in the farming out of the Iſſues of Jurors.

Weſtminſter, Auguſt 11. A Proclamation publiſhing an Act of State, and his Majeſty's Command concerning a ſcandalous Paper lately diſperſed among many of his Subjects.

Whitehall, Auguſt 19. A Proclamation declaring his Majeſty's Pleaſure to continue his Commiſſion, and Letters Patents for Licenſing Retailers of Tobacco.

Whitehall, Decemb. 14. A Proclamation prohibiting the Making or Wearing of Demicaſters, and the Veſing or Mixing of any Wooll or Stuff with Beaver, in the making of Beaver-Hats.

Whitehall, Decemb. 7. A Proclamation to enable the Tranſportation of Butter from the Northern Parts, according to his Majeſty's former Licence.

York, May 5. A Proclamation for the better ordering the Tranſportation of Clothes, and other Woollen Manufactures into *Germany* and the *Low-Countries*; and to reſtrain the Tranſportation of Wooll, Wooll-Fells, Woollen-Yarn, Fullers-Earth, and Tobaccopipe-Clay.

Hiſtorical Collections

for the Year 1640.

The Arch-Biſhop of Canterburies *Diary.*

The Archbiſhop of *Canterburies* Diary.

Munday, April 13. the *Parliament* ſate down, called about the *Rebellion* of *Scotland.*

April 14. *Tueſday*, the *Convocation* began at St. *Pauls.*

April 28. *Tueſday*, the hot conteſtation in the Lords Houſe, which ſhould have *precedence*, the Kings Supply, or the Subjects Grievances? Voted in the Upper Houſe for the King.

May 5. *Tueſday*, the *Parliament ended* and nothing done; the *Convocation* continued.

May 9. *Saturday*, a *Paper paſted* upon the Old Exchange, animating *Apprentices to ſack my houſe*, upon the *Monday* following early.

May 11. *Monday* night at Midnight my houſe at *Lambeth* was beſet with *five hundred perſons* of the Raſcal Routous multitude; I had notice, and ſtrengthned the houſe as well as I could, and God be bleſſed I had no harm: ſince I have got Cannons, and fortified my houſe as well as I can, and hope all may be ſafe: But yet *Libels* are continually ſet up in all places of note in the City.

May 21. *Thurſday*, one of the chief being taken, was condemned at *Southwark*, and *hanged* and *quartered* on *Saturday* morning following *May* 23. ſome of theſe mutinous people came in the day time, and brake the *White Lyon Priſon*, and let looſe their fellows, both out of that Priſon and the *Kings Bench*, and the other Priſoners out of the *White Lyon*.

May 29. *Friday*, the *Convocation* ſat after the ending of the Parliament till *May* 29. and then ended, having made in that time *ſeventeen Canons*, which I hope will be uſeful to the Church.

Ibid. The *Biſhop* of *Glouceſter*, *Godfrey Goodman*, ſuſpended for Notorious Scandal to the Church, in refuſing firſt to ſubſcribe to the Canons, and after to profeſs a reſervation. He had long before been ſuſpected as inclining to *Popery.*

The *Canons* were all voted *Nemine diſſentiente*, ſave this Biſhop who had in general conſented before.

July 8. *Wedneſday*, being the day of the Solemn Faſt, about ſix of the Clock in the Evening, the Queen was happily delivered of a Son, Chriſtened *Henry.*

July 10. *Friday*, I took my *Oath* to the *new Canons* at the Council Table, and ſo did my Lord Biſhop of *London*, and after him the Biſhop of *Glouceſter* ſubmitted himſelf, and took the Oath, and was releaſed out of Priſon by the Kings command.

An. 1640.

July 22. I Chriſtned the Kings young Son *Henry* at *Oatlands*; the Queen was there happily delivered of him.

Auguſt 20. *Thurſday*, His Majeſty took his *Journey* towards the North, in *haſte*, upon information that the *Scots* were entred the *Monday* before into *England*, and meant to be at *Newcaſtle* by *Saturday*.

Auguſt 22. *Saturday*, a *Libel* was brought me, found in *Covent-Garden*, animating the Apprentices and Soldiers to fall upon me, in the Kings abſence.

September 21. I received a Letter from one *John Rocket*, a name and perſon unknown to me, he was among the *Scots* as he paſſed through the Biſhoprick of *Durham*; he heard them inveigh and rail at me exceedingly; and they hoped ſhortly to ſee me, as the Duke was, ſlain by one leaſt ſuſpected. His Letter and Advice to me, to look to my ſelf.

September 24. A *Great Council* of the Lords was called by the King to *York*, to conſider what way was beſt to be taken to get out the *Scots*, and this day the meeting began at *York*, and continued till *October* 28.

October 22. *Thurſday*, the *High Commiſſion* ſitting at St. *Pauls*, becauſe of the troubles of the times, very near two thouſand *Browniſts* made a tumult at the end of the Court, tore down all the Benches in the Conſiſtory, and cryed out, they would have *no Biſhop*, nor *no High Commiſſion*.

October 27. *Tueſday Simon* and *Jude*'s Eve, I went into my upper Study, to ſee ſome Manuſcripts, which I was ſending to *Oxford*: In that Study hung *my picture, taken by the life*, and coming in I found it *fallen down upon the face*, and lying on the floor, the ſtring being broken by which it hanged againſt the wall. I am almoſt every day threatned with my ruine in Parliament, God grant this be *no omen*.

Tueſday the *Parliament began*; the *King* did not ride, but went by Water to *Kings Stairs*, and through *Weſtminſter*-Hall to the Church, and ſo to the Houſe.

Wedneſday, the *Convocation* began at St. *Pauls*, the ſame day *Thomas* Viſcount *Wentworth*, Earl of *Strafford*, accuſed to the Lords, by the Houſe of Commons, for *High Treaſon*, and *reſtrain'd* to the Uſher of the Houſe.

November 22. *Wedneſday*, he was ſent to the *Tower*.

December 2. *Wedneſday*, a great debate in the Houſe, that no Biſhop ſhould be ſo much as of the Committee for preparatory examinations in this cauſe, as accounted *cauſa ſanguinis*, put off till the next day.

December 3. *Thurſday*, the debate declined.

December 4. The King gave way, that his Council ſhould be examined upon Oath, in the Earl of *Straffords* caſe. I was examined this day.

December 16. *Wedneſday*, the *Canons condemned in the Houſe of Commons*, as being againſt the Kings Prerogative, the Fundamental Laws of the Realm, the liberty and property of the Subject, and containing divers other things tending to Sedition, and of dangerous conſequence. Upon this, *I was made the Author of them*, and a Committee put upon me, to enquire into all my actions, to prepare a Charge. The ſame morning in the Upper Houſe I was named an

Incendiary

16 *Caroli.*

Incendiary by the *Scotiſh Commiſſioners*, and a complaint promiſed to be drawn up by to morrow.

December 18. *Friday*, *I was accuſed* by the Houſe of Commons, for *High Treaſon*, without any particular charge laid againſt me; which they ſaid ſhould be prepared in convenient time. Mr. *Hollys* was the man that brought up the meſſage to the Lords; ſoon after the Charge was brought into the Upper Houſe by the *Scots* Commiſſioners, tending to prove me an Incendiary: upon which I was preſently *committed* to the Gentleman Uſher; I was permitted to go in his company to *Lambeth*, for a Book or two to read in, and ſuch Papers as pertained to my defence againſt the *Scots*: I ſtaid at *Lambeth* till the evening, to avoid the gazing of the people. I went to Evening Prayer in my Chappel; the *Pſalms* of the day 93 and 94. and *Chap.* 50. of *Eſay* gave me great comfort; God make me worthy of it, and fit to receive it.

December 21. I was *fined* 500 *l.* in the Parliament Houſe, and Sr. *John Lambe* and Sr. *Henry Martin* 250 *l.* a piece, for keeping Sr. *Robert Howard cloſe Priſoner*, in the caſe of the eſcape of the Lady Vicounteſs *Purbeck* out of the *Gate-houſe*, which Lady he kept lewdly, and had children by her: in ſuch a caſe, ſay the impriſonment were more than the Law allowed, what may be done for honour and religion ſake? *Wedneſday*, the Lords ordered me to pay the money preſently, which was done: I was forced to ſell plate to pay where I borrowed it. *Thurſday*, a Parliament man of good note, intereſſed in divers Lords, ſent me word, that by reaſon of my patient and moderate carriage ſince my commitment, four Earls of great power in the Upper Houſe told him, that the Lords were not now ſo ſharp againſt me as they were at firſt; and that now they were reſolved only to ſequeſter me from the Kings Council, and to put me from my Arch-biſhoprick: ſo I ſee what Juſtice I may expect, ſince here is a reſolution taken, not only before my anſwer, but before my charge was brought up againſt me.

February 14. *Sunday*, *A. R.* And this if I live and continue Arch-biſhop of *Canterbury* till after *Michaelmas* day come twelvemonth *Anno* 1642. God bleſs me in this.

February 26. *Friday*, This day I had been full ten Weeks in reſtraint at Mr. *Maxwells* houſe, and this day, being St. *Auguſtines day*, my charge was brought up from the Houſe of Commons to the Lords, by Sr. *Henry Vane* the younger; it conſiſted of fourteen Articles: Theſe general, they craved time to prove in particular. The Copy of this general charge is among my papers; I ſpake ſomething to it, and the Copy of that alſo is among my papers. I had favour of the Lords not to go to the *Tower* till the *Monday* following.

March 1. I went in Mr. *Maxwells* Coach to the *Tower*: no noiſe till I came to the end of *Cheapſide*; but from thence to the *Tower* I was followed, and railed at by the people and rabble in multitudes to the very *Tower* gates; where I left them, and I thank God he made me patient.

March 9. *Shrove-Tueſday*, *&c.* was with me in the *Tower*, and gave great engagements of his faith to me.

March 13. *Saturday*, the Lord *Brooks* dined with the Lords, at the new houſe built by the King at *Lambeth*: three of the Lords in Boat together, one of them ſaying, he was ſorry for my commitment, becauſe the building of St. *Pauls* went ſlow on the while; the Lord *Brooks*

An. 1640. replyed, I hope one of us ſhall live *to ſee no one ſtone left upon another*, of that building.

March 21. *Monday*, a *Committee for Religion* ſetled in the Upper Houſe of Parliament, ten Earls, ten Biſhops, ten Barons; ſo the Lay Votes will be double to the Clergy. This Committee will meddle with Doctrine as well as Ceremonies, and will call ſome Divines to them, to conſider of the buſineſs; as appears by a Letter hereto annexed, ſent by the Lord *Biſhop of Lincoln* to ſome Divines, to attend this ſervice: upon the whole matter, I believe this Committee will prove the *National Synod* of *England*, to the great diſhonour of the Church: And what elſe may follow upon it, God knows.

March ibid. Monday, the Earl of *Strafford*'s *Tryal* began in *Weſtminſter*-Hall, and it continued till the end of *April*, taking in the variation of the Houſe of Commons, who after a long hearing, drew a Bill of *Attainder* againſt him.

We begin this Year with Warlike Preparations for a ſecond Expedition againſt the *Scots*; and being unwilling to give a ſhort Abſtract of thoſe Preparations, we ſet down at large the very Orders made upon that occaſion by the Lords of the Council, and others in Power and Authority.

Copies of Letters directed to the ſeveral Counties hereafter following, for the Levying of Soldiers which are to March by Land *to* Newcaſtle *upon* Tine.

A Liſt of Soldiers to be Levied for the ſecond Expedition againſt the *Scots*, to march *by Land.*

After, *&c.* to your good Lordſhip: By His Majeſties Letters ſent herewith, your Lordſhip will underſtand His pleaſure and intention for the levying of Foot within that County of your Lieutenancy, for the neceſſary defence of the Realm. By which Letter your Lordſhip is referred to us for ſuch Inſtructions and Directions as ſhall be requiſite for that ſervice. We have therefore thought good to pray and require your Lordſhip, to give preſent and effectual Order to your Deputy Lieutenants, forthwith to meet, and in the firſt place to diſtribute the Number of men to be raiſed in the ſeveral Hundreds of that County, and to take eſpecial care, that there be a very good Choice made of the men out of the Trained Bands there, that they be of able Bodies and Years meet for this Imployment. Where any Free-holder hath uſed to have his Arms born by another man, that other man is to be preſſed to ſerve, if he be of able body: and where a Free-holder hath ſerved with his own Arms, and is not fit or willing to ſerve himſelf, he is to find another able man to ſerve in his place; and if he cannot procure another, then your Lordſhip or your Deputy Lieutenants are to cauſe another able man to be preſſed to ſerve. And where any man hath uſed to bear the Common Arms of the Pariſh, if he be fit and able of body, he is to be taken; but if he be unfit, a ſufficient man is to be preſſed in his ſtead. Your Lordſhip is eſpecially to take care, that in this Liberty given to change men to ſerve in the place of the trained Souldiers, there be not any rewards or money taken, which was an abuſe too much practiſed the laſt year, and

and now in examination, to receive Condign puniſhment. As for the choice of the men, our very good Lord the Earl of *Northumberland*, Lord General of His Majeſties Army, will forthwith ſend into that County Commanders to aſſiſt your Lordſhip and your Deputy Lieutenants in the Choice and Liſting of them. And when they ſhall be in ſuch manner liſted, your Lordſhip is to take effectual order, that there be no alteration of any of them, without a particular Warrant under the hand of your Lordſhip, or two of your Deputy Lieutenants. The men to be raiſed, are to be appointed to meet in Companies of one hundred a piece at particular Rendezvouz in that County moſt convenient for each hundred men, till the tenth of *May* next, to be Weekly exerciſed with falſe Fires or no Fire, by ſuch inferiour Officers, as the Lord General ſhall ſend down to inſtruct them in their poſtures, and the uſe of their Arms: to which purpoſe, your Lordſhip is to cauſe the Arms of the Trained Bands to be lent unto them, which ſhall be re-delivered back, when they ſhall march out of that County. Your Lordſhip is likewiſe to take order, that there be preſt, and ſent with the ſaid Soldiers one Drum and Drummer to every hundred men, who ſhall enter into His Majeſties pay, as ſoon as the ſaid Soldiers ſhall march out of that County. Beſides the ſaid particular Rendezvouz, where the ſeveral Companies are to meet in that County, your Lordſhip is to cauſe one General Rendezvouz to be appointed on the Confines of that Shire, moſt convenient for the ſaid Soldiers march towards *Newcaſtle* upon *Tine*; to which General Rendezvouz in that County, the ſaid Soldiers are to be brought the tenth of *May*, and to remain there till the twentieth of the ſame Month, to be there exerciſed and put in order for their March towards *Newcaſtle*, by ſuch Commanders and Officers as ſhall be ſent thither by the Lord General, to whom your Lordſhip is to ſend preſent advertiſement, what place you appoint for the ſaid General Rendezvouz of that County. The Soldiers are to be allowed at the charge of that County 8 *d.* a piece *per diem* for every day they ſhall be exerciſed, at the particular Rendezvouz in that County. And from the tenth of *May* till the twentieth. The charge alſo of conducting the ſaid men to the General Rendezvouz of the County, is to be born by that County. Your Lordſhip (or at leaſt) two of your Deputy Lieutenants are to be at the General Rendezvouz of the County by the tenth of *May*, as well to aſſiſt in keeping of the men in order, as to take care for the receiving back from them the Arms of the County, and to deliver the ſaid men over by Indenture, to ſuch Commanders and Officers, as ſhall be appointed to receive and take charge of them: of which Indentures, one part is to be ſigned by your Lordſhip, or two of your Deputy Lieutenants, and the other by the ſaid Commanders or Officers that ſhall receive the men; and Duplicats of the ſaid Indentures are to be ſent by your Lordſhip, one to this Board, and another to the Lord General. As His Majeſty is graciouſly pleaſed for the eaſe of that County, that all the Soldiers ſhall enter into His Majeſties pay as ſoon as they ſhall march out of the Confines of that Shire towards *Newcaſtle*; ſo he expects, that the more readineſs and care be uſed in the raiſing and keeping them together while they ſhall be there; and that they be ſent away well Cloathed and Coated at the charge of that County; all which charges and allowances, as well for the Coating,

16 *Caroli.*

An. 1640.

Coating as for the entertainment of the ſaid men in their exerciſing, and Conducting to their General Rendezvouz of that County; His Majeſties Pleaſure and Command is, that your Lordſhip do cauſe the ſame to be Levied in that County as hath been uſed heretofore in caſes of leſs Importance. And the Counties are to be repaid the ſame upon Accompt thereof made out of his Majeſties Exchequer, in ſuch manner as in former times, upon the like occaſion. And laſtly we do expect and require the Juſtices of peace, and other Officers in their ſeveral Diviſions to be aiding and aſſiſting to your Lordſhip and your Deputy Lieutenants in this Service, *&c.*

Letters directed to the ſeveral Counties hereafter following, for the Levying of Souldiers which are to be ſent by Sea.

Soldiers to be Levied and to march to Sea-port Towns.

AFter *&c.* to your good Lordſhip. By his Majeſties Letters ſent herewith your Lordſhip will underſtand his pleaſure and intention for the Levying of three hundred Foot in the County of *Cambridge*; Six hundred in the County of *Suffolk*; Six hundred in the County of *Dorſet*, and Three hundred in the *Cinque-Ports*, for the neceſſary Defence of the Realm. By which Letter your Lordſhip is referred to us for ſuch Inſtructions and Directions as ſhall be requiſite for that Service. We have therefore thought good hereby to pray and require your Lorſhip to give preſent and effectual order to your Deputy Lieutenants in each County reſpectively, forthwith to meet, and in the firſt place to diſtribute the Numbers of men to be raiſed in the ſeveral Hundreds of every particular County, and to take ſpecial Care, that there be a very good choice made of the men, out of the Trained Bands there, that they be of able Bodies and years meet for this imployment. Where any Free-holder hath uſed to have his Arms born by another man, that other man is to be preſſed to ſerve if he be of able Body. And where any Free-holder hath ſerved with his own Arms, and is not fit or willing to ſerve himſelf, he is to find another able man to ſerve in his place; and if he cannot procure another, then your Lordſhip, or your Deputy Lieutenants are to cauſe another able man to be preſſed to ſerve. And where any man uſed to bear the common Arms of the Pariſh, if he be fit and able of Body, he is to be taken; but if he be unfit, a ſufficient man is to be Preſt in his ſtead. Your Lordſhip is eſpecially to take care, that in the Liberty given to change to ſerve in the place of Trained Soldiers, there be not any rewards or money taken, which was an abuſe too much practiſed in the laſt year in ſome Counties, and now in Examination to receive condign puniſhment. As for the choiſe of the men, our very good Lord the Earl of *Northumberland*, Lord General of his Majeſties Army, will forthwith ſend into thoſe Counties Commanders to aſſiſt your Lordſhip and your Deputy Lieutenants in the Choice and Liſting of them: And when they ſhall be in ſuch manner Liſted, your Lordſhip is to take effectual order that there ſhall be no alteration of any of them without a particular Warrant under the hand of your Lordſhip, or two of your Deputy Lieutenants. The men to be Raiſed in each County, are to be appointed to meet in Companies of one hundred a piece, at their particular Rendezvouz in each County reſpectively; moſt convenient

venient for each hundred men, untill they ſhall be brought to the General Rendezvouz, in the ſeveral Counties, to be weekly exerciſed with falſe fire, or no fire, by ſuch inferiour Officers as the Lord General ſhall ſend down to inſtruct them in their Poſtures and uſe of their Arms. To which purpoſe, your Lordſhip is to cauſe the Armes of the Trained Bands to be lent unto them, which ſhall be delivered back when they ſhall march out of the Counties. Your Lordſhip is likewiſe to take Order that there be Preſt and ſent with the ſaid Soldiers one Drum and Drummer to every hundred men, who ſhall enter into His Majeſties pay as ſoon as the ſaid Souldiers ſhall march out of the Counties. Beſides each particular Rendezvouz, where the ſeveral Companies of one hundred apiece are to meet in thoſe Counties; your Lordſhip is to cauſe one general Rendezvouz to be appointed on the Confines of each Shire moſt convenient for the ſaid Soldiers march towards the ſeveral Ports or places following (*viz.*) the Six hundred men from the County of *Dorſet* to *New-Caſtle* upon *Tine*. The three hundred from the County of *Cambridge*, and the ſix hundred men from the County of *Suffolk* to *Yarmouth*; and the three hundred men from the Cinque-Ports to *Graveſend*. To which General Rendezvouz in each County reſpectively; thoſe from the County of *Dorſet* are to come the tenth of *May*, to remain there till the twentieth; then to march towards *Newcaſtle*. Thoſe from the County of *Cambridge* are to come to the General Rendezvouz of that County on the twenty fifth of *May*, to remain there till the fifth of *June*, then to march to *Yarmouth*, that they may be there ready to be Shipped on the tenth of *June*. Thoſe from the County of *Suffolk* are to come to the General Rendezvouz of that County on the twenty ſeventh of *May*, to remain there till the ſixth of *June*, then to march to *Yarmouth*, that they may be there ready to be Shipt on the eighth of *June*. Thoſe from the Cinque-ports are to come to their General Rendezvouz the twenty firſt of *May*, to remain there till the firſt of *June*, then to march to *Graveſend*, that they may be there ready to be Shipped the fourth of *June*. And they are all to be at the ſaid General Rendezvouz of the ſeveral Counties exerciſed and put in order for their march towards the ſaid Ports and places by ſuch Commanders and Officers as ſhall be ſent thither by the Lord General, to whom your Lordſhip is to ſend preſent advertiſement what places you appoint for each General Rendezvouz of every County. The Soldiers are to be allowed at the charge of every County reſpectively, eight pence a piece *per diem*, for every day they ſhall be exerciſed at each particular Rendezvouz in Companies as aforeſaid of one hundred a piece, in every of the ſaid Counties, as alſo for the time they ſhall remain at the General Rendezvouz in their ſeveral Counties, until they march out of the County. When they are to enter into his Majeſties pay, your Lordſhip or at leaſt two of your Deputy Lieutenants for every County are to be at each General Rendezvouz of the ſaid Counties, by the times afore ſet down for the ſame, as well to aſſiſt for the keeping of the men in order, as to take care for the receiving back of the ſaid Arms from them, and to deliver the ſaid men over by Indenture to ſuch Commanders and Officers as ſhall be appointed to receive and take the charge of them, of which Indenture one

16 *Caroli.*

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one part is to be ſigned by your Lordſhip or two of your Deputy Lieutenants, and the other by the ſaid Commanders or Officers that ſhall receive the men. And Duplicates of the ſaid Indentures are to be ſent one to this Board, and another to the Lord General. As his Majeſty is graciouſly pleaſed for the eaſe of the Counties that all the Souldiers ſhall enter into pay, as ſoon as they ſhall march out of the Confines of each Shire towards the Ports and places aforeſaid of *Newcaſtle*, *Yarmouth*, and *Graveſend*: ſo he expects that the more care and readineſs be uſed, in the raiſing and keeping of them together while they ſhall be there, and that they be ſent away well Cloathed and Coated at the charge of the Counties; all which charges and allowances as well for the Coating as the entertainment of the ſaid men, in their exerciſing and conducting to their General Rendezvouz of each County, His Majeſties Pleaſure and Command is, that your Lordſhip do cauſe the ſame to be Levied in each of thoſe Counties reſpectively, as hath been uſed heretofore in caſes of leſs importance; and the Counties are to be repaid the ſame upon accompt thereof made, out of his Majeſties Exchequer, in ſuch manner as in former times upon the like occaſion. And laſtly we do expect and require the Juſtices of Peace, and other Officers in their ſeveral Diviſions to be aiding and aſſiſting to your Lordſhip and your Deputy Lieutenants, in the performance of all this Service, as they are directed by his Majeſties Letters of Lieutenancy to you under the Great Seal, and as the practice hath been in former times. Whereof the ſaid Juſtices of Peace, and other Officers are to take notice upon your imparting theſe Letters unto them. And ſo we bid, *&c.* From *White-Hall* the twenty ſixth of *March* 1640. Signed

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Goring.
Lord Treaſurer.
Earl Marſhall.
Lord High-Admiral.
Earl of Salisbury.
Earl of Berks.
Lord Cottington.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

A Liſt of the number of Souldiers that are to go by Sea: and where to be Shipped.

Souldiers when and where to be ſhipped.

Suſſex 600. to be ſhipt the ſixth of *June*, at *Graveſend*, to be at the General Rendezvouz the twentieth of *May*, to march thence the firſt of *June*.

Surrey 800. to be ſhipt the ſixth of *June* at *Graveſend*, to be at the General Rendezvouz the twenty firſt of *May*, to march thence the ſecond of *June*.

Kent 700. to be ſhipt the fourth of *June* at *Graveſend*, to be at the General Rendezvouz the twenty third of *May*, to march thence the third of *June*.

Cinque-Ports 300. to be ſhipt the fourth of *June* at *Graveſend*, to be at the General Rendezvouz the twenty firſt of *May*, to march thence the firſt of *June*.

Middleſex

Middlesex 1200. to be ſhipt the eighth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the third of *June*.

Hertford 650. to be ſhipt the fifth of *June* at *Harwich*, to be at the General Rendezvouz the twentieth of *May*, to march thence the one and thirtieth of *May*.

Eſſex 700. to be ſhipt the fourth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the third of *June*.

Buckingham 500. to be ſhipt the ſixth of *June* at *Harwich*, to be at the General Rendezvouz the twentieth of *May*, to march thence the firſt of *June*.

London 1200. to be ſhipt at *Blackwall*.

Huntingdon 400. to be ſhipt the tenth of *June* at *Yarmouth*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

Suffolk 600. to be ſhipt the eighth of *June* at *Yarmouth*, to be at the General Rendezvouz the twenty ſeventh of *May*, to march thence the ſixth of *June*.

Norfolk 750. to be ſhipt the eighth of *June* at *Yarmouth*, to be at the General Rendezvouz the twenty eighth of *May*, to march thence the ſeventh of *June*.

Cambridge 300. to be ſhipt the tenth of *June* at *Yarmouth*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

Bedford 400. to be ſhipt at *Yarmouth* the tenth day of *June*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

Lincoln 200. to be ſhipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty ninth of *May*, to march thence the ninth of *June*.

Nottingham 300. to be ſhipt the tenth of *June* at *Grimesby*, to be at the General Rendezvouz the twenty ſeventh of *May*, to march thence the ſixth of *June*.

Derby 400. to be ſhipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

The total is 10000. Men.

Letters directed to the ſeveral Counties hereafter following, for the providing of Horſes and Carts for Carriage of the Train of Artillery.

Horſes and Carters for the Train of Artillery.

AFter *&c.* to your good Lordſhip, Whereas the neceſſity of the Defence of the Realm, at this time doth continually require from Us a care by all fit means to provide for the ſtrength and advancement of His Majeſties ſervice and Army, now in raiſing for the Northern parts, and all things incident thereunto; for which purpoſe, there is nothing more neceſſary, than a fit proviſion to be made of Horſe for the Train of Artillery, and for the carriage of Ammunition and all other requiſite proviſions: We have therefore thought fit, to pray and require your Lordſhip to take order,

An. 1640. that there may be provided * ſtrong and able horſes, and able Carters to take care of them within the Limits of your Lieutenancy, in ſuch places where they may be moſt conveniently had, to be ready at *Newcaſtle* upon *Tine*, by the fifteenth of *June* next. And for the charge of ſending the horſes and Carters to the Rendezvouz at *Newcaſtle*, the ſame is to be born by that County, but when they ſhall arrive there, they ſhall enter into His Majeſties pay of 12 *d. per diem* for every horſe, and 8 *d. per diem* for every Carter, and ſhall be continued therein, ſo long as they ſhall remain in his Majeſties ſervice: and when they ſhall be diſcharged, an eſpecial care ſhall be had, and a convenient allowance for their return home again. And laſtly, we do expect and require the Juſtices of Peace and other Officers in their ſeveral Diviſions, to be aiding and aſſiſting to your Lordſhip and your Deputy Lieutenants in the performance of all this ſervice as they are directed by his Majeſties Letters of Lieutenancy to you under the Great Seal, and as the practice hath been in former times. Whereof the ſaid Juſtices of Peace and other Officers are to take notice upon your imparting theſe Letters unto them. And ſo, *&c.* Dated the twenty ſixth of *March* 1640.

Signed Lord Arch-biſhop of *Canterbury*, *&c.*

A Proclamation *againſt* Libellous *and* Seditious Pamphlets *and Diſcourſes from* Scotland.

March 30. 1640. 'WHereas of late ſundry late ſeditious and libellous Pamphlets 'and Diſcourſes, as well Manuſcripts as in Print, have been 'ſent *from* Scotland *and other* parts of his Majeſties Dominions, and 'ſpread and *publiſhed in divers places* of this Kingdom of *England*, 'eſpecially *in the City of London*, which have been framed and contri- 'ved by *factious ſpirits*, and ſuch as endeavour to caſt moſt unjuſt 'and falſe aſperſions and ſcandals upon his Majeſty and his Govern- 'ment, and *upon his proceedings with his ſubjects in Scotland*, and to 'diſtemperate and *alienate from his Majeſty the hearts* of his well af- 'fected ſubjects, and ſuch as otherwiſe are no way inclined to 'ſuch ſeditious and diſloyal courſes: His Majeſty having taken 'theſe diſorders into ſerious conſideration, and finding them 'of *dangerous conſequence to his Government*, if ſometimely reme- 'dy be not applyed; hath with the *advice of his Privy Council*, 'thought fit to publiſh and declare, and by theſe preſents doth 'publiſh and declare, that all and every perſon and perſons, of what 'degree or quality ſo ever, now have, or hereafter ſhall have any '*ſuch libellous and ſeditious Diſcourſe or Pamphlet*, either in *Manuſcript* 'or *Print*, concerning his Majeſties proceedings with his ſubjects in '*Scotland*, (other than ſuch Relations and Diſcourſes concerning the 'ſame, as have been publiſhed and printed by his ſpecial Licence 'and Authority) and ſhall not within *ten dayes after the date* of 'theſe preſents, bring and *deliver the ſame* to one of his principal *Se*- 'cretaries *of State*, all and every ſuch perſon and perſons ſhall *incurr* 'the *uttermoſt of ſuch puniſhments and penalties*, as by the Laws of this 'Realm are to be inflicted upon thoſe that keep ſuch ſcandalous and 'ſeditious Pamphlets and Papers.

'And

16 Caroli.

'And whereas there hath been of late a Pamphlet publiſhed in 'print, intituled, *An Information from the States of the Kingdom of* 'Scotland *to the Kingdom of England*, containing many notorious '*falſhoods and ſcandals*, to the diſhonour of his Majeſties proceedings 'with his ſubjects in *Scotland*, ſundry Copies of which printed Diſ-'courſe have been *ſent from Scotland* to divers of his Majeſties ſub-'jects in *England*, *eſpecially in the City of* London:

'And whereas there have been very lately ſundry *copies of that* '*falſe and ſeditious Pamphlet re-printed and publiſhed in another Edition*, '*and diſperſed in the ſaid City of London*, and in ſundry other parts of this Kingdom: His Majeſty having acquainted the Lords of his 'Council therewith, and cauſed the ſame to be read at the Board, 'and *the ſaid Lords in deteſtation* of ſo *ſcandalous*, *ſeditious* and *falſe* '*a diſcourſe*, having made humble ſuit to his Majeſty with one con-'ſent, that the ſame *might be publickly burnt by the Hangman*; His 'Majeſty therefore holding it moſt neceſſary, that ſome ſuch pub-'lick demonſtration ſhould be made of ſo great and *enormous an* '*inſolency*, tending to *raiſe Mutiny* and *Sedition in the Kingdom*, is 'pleaſed to Declare by theſe preſents, *That no perſon or perſons* here-'after, of what degree or condition ſoever, *preſume to keep any* 'Copy *of any of the Editions of the ſaid Pamphlet*, but that within ten 'dayes after this Proclamation publiſhed, every ſuch perſon or per-'ſons dwelling in the Countrey remote from *London*, *ſhall deliver to* '*the next Juſtice of the Peace* adjoyning to his or their dwelling, all 'and every Copy and Copies thereof, of what Edition ſoever, the 'ſame to be by the ſaid Juſtices of Peace *immediately ſent* or brought 'to one of his Majeſties *principal Secretaries*, upon peril of incurring 'the uttermoſt of ſuch puniſhments and penalties as by the Laws of 'this Realm are to be *inflicted upon thoſe that keep ſuch ſcandalous* '*and ſeditious Pamphlets* and Papers, his Majeſty hereby *pardoning* 'and remitting unto ſuch perſons *as have formerly had any Copy* of 'the ſaid Diſcourſe in their cuſtody, and ſhall deliver the ſame ac-'cording to this Proclamation, all their offences in their former de-'taining thereof.

'And if hereafter any ſeditious and ſcandalous Pamphlets of 'like nature, *either Manuſcripts or printed*, concerning his Majeſties 'proceedings in *Scotland*, or any other Relations or Diſcourſes con-'cerning the ſame, ſhall be publiſhed or divulged, other than ſuch 'Relations or Diſcourſes as ſhall be printed or publiſhed by his Ma-'jeſties ſpecial Licence or Authority, and that they ſhall come into 'the hands of any of his Majeſties ſubjects, *who ſhall not within ten* '*dayes after* bring the ſame unto one of his Majeſties principal Secre-'taries of State, if they into whoſe hands they ſhall come be or re-'main in *London*, or within twenty miles diſtance of the ſame, or 'if they ſhall remain or be in parts *more remote*, ſhall not bring the 'ſaid ſeditious Pamphlets or Diſcourſes to one of his Majeſties 'Juſtices of the Peace, to be by him ſent to one of his principal Se-'cretaries of State as aforeſaid, his Majeſty by the advice of his Coun-'cil *doth declare*, *that then every perſon ſo offending*, *ſhall incurr his* '*Majeſties high diſpleaſure, and the uttermoſt of ſuch penalties and pu-*'*niſhments*, as by the Laws of this Realm are to be inflicted *upon thoſe* '*that keep ſuch ſcandalous and ſeditious Papers and Pamphlets without* '*pardon or remiſſion.*

An. 1640.

A Copy of Letters directed to the Lord Lieutenants and Deputy Lieutenants of the ſeveral Counties, to be aſſiſting to the Lord Conway, *for the raiſing and levying of men.*

Lord *Conway* to be aſſiſted in levying of men.

AFter *&c.* to your good Lordſhip, Whereas a Commiſſion hath been given by our very good Lord, the Earl of *Northumberland*, Lord General of his Majeſties Army and Forces ſent into the Northern parts, by which his Lordſhip by vertue of his Majeſties Commiſſion under the Great Seal to him directed, hath conſtituted and appointed our very good Lord the Lord *Conway*, his *Deputy* for the Government of the ſaid Army in his Abſence, and of the Horſe Troops already levied, and hath given to him ſundry powers, directions and authorities, as by the ſaid Letters under the ſaid Lord Generals hand and ſeal more at length appeareth, We have thought fit hereby to pray and require your Lordſhip, and your Deputy Lieutenants, according to his Majeſties ſpecial Command, to be aiding and aſſiſting unto the ſaid Lord *Conway* in the Government of the ſaid Army, and Troops of Horſe, and for the raiſing and levying of the Trained Bands of Horſe and Foot of your County, to make reſiſtance to any Enemies, or to aſſail them according to the tenor of his ſaid Commiſſion, and to be aiding unto him both by your Council, and all other fit wayes and means as he ſhall deſire, and as the occaſions ſhall require. Whereof you may not fail, for ſuch is his Majeſties eſpecial Direction and Command. Dated the laſt of *March* 1640. Signed

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Marqueſs Hamilton.
Earl Marſhal.
Lord Admiral.
Lord Chamberlain.
Earl of Salisbury.
Lord Goring.
M. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.

Lord Chief Juſtice of the Common Pleas.

At

16 Caroli.

At the Court at WHITE-HALL, the First of *April* 1640.

Preſent

The Kings Moſt Excellent Majeſty,

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Duke of Lenox.
Lord Marqueſs Hamilton.
Earl Marſhal.
Lord Admiral.
Lord Chamberlain.
Earl of Salisbury.
Earl of Dorſet.
Earl of Holland.
Earl of Berks.
Earl of Traquaire.
Lord Goring.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

A Letter from the Council in *Ireland*, with the free Declaration of the Houſe of Commons, whereby they give to the King four Subſidies.

THis day his Majeſty ſitting in Council, was pleaſed to communicate to the Lords the contentment he had received, as concerning the proceedings of his ſubjects of the Kingdom of *Ireland* there aſſembled in Parliament, and for their Lordſhips information therein, did require Mr. Secretary *Windebanke* to read the Letters by him newly received from his Majeſties Council there, together with the Declaration of the Houſe of Commons made upon the twenty third of *March* laſt paſt, touching the grant of four Subſidies, and the unanimous expreſſion of their Loyal affection to his Majeſties ſervice and Perſon, and their humble acknowledgement of the great favours and benefits which they enjoyed through his Majeſties gracious and happy Government, which Letters and Declaration having accordingly been read, his Majeſty further acquainted the Board, that by other Letters he was advertiſed, that the Upper Houſe of Parliament there, had likewiſe expreſſed the ſame affection, and conſented in all that had been agreed or declared by the Houſe of Commons, they alſo deſiring, that as much might likewiſe be ſignified to his Majeſty on their parts, and be made publick alſo to all the World. Their Lordſhips were thereupon filled with Joy, which they as fully expreſſed to his Majeſty; and after deliberation thereof had, it was by his Majeſty with advice of the Board ordered, that the ſaid Letter from his Majeſties Council in *Ireland*, and Declaration of the Houſe of Commons, ſhould be entred in the Regiſter of the Council Cauſes, to remain there as a *Record* unto poſterity, and that Copies of the Declaration ſhould not be refuſed to any that deſired the ſame. The Tenour of which Declaration and Letter was as followeth.

SIR,

An. 1640.

SIR,

THE reſolution taken this day in the Commons Houſe of Parliament; and the obſervable circumſtances which occurred therein, in our view who have the honour to ſerve his Majeſty, as of his Privy Council here; and who as members of the houſe of Commons, were preſent and Co-operating in that Reſolution, have rendred to us ſuch inward joy and contentment, in the apprehenſion of the intire affections and great Loyalty of this people, abundantly teſtified thereby, as we eſteem it our duties to haſten the glad advertiſement thereof to his Sacred Majeſty.

After the propoſal of ſuch Acts of Grace and advantage to the ſubject, as we conceived moſt fit to lead in order to the propounding of the Subſidies; ſix Subſidies were demanded for his Majeſty. Whereupon divers members of the Houſe ſpake thereunto; ſome of the Natives declaring, That as ſix were granted the laſt Parliament, towards enabling the King to pay the debts contracted for the occaſions of this Crown, and for the better ſettlement of the revenues, ſo at this time ſix or more are fit to be given, it being apparent that the peace and ſafety of the Kingdom are become ſo nearly concerned. Some alſo of the Natives ſhewing divers preſidents in ancient Times, and among thoſe, ſome, whereby the King by a Mandate from himſelf alone without a Parliament, cauſed moneys and goods to be taken in Ireland *from Merchants and others, towards defraying the Charges of his Expeditions againſt the* Scots, *for defence of his Kingdom: And thoſe having enlarged themſelves in that point, mentioned the abundant Clemency and Piety of his Majeſty, in being ſo indulgent to his Subjects, as to decline that example of his Progenitors, and require Aid of his Subjects in a Parliamentary way. Some of them ſaid that his Majeſty ſhould have a fee ſimple of Subſidies in their Eſtates upon like occaſions, others of them with great cheerfulneſs declared that to anſwer his Majeſties occaſions for the Honour of his perſon, and ſafety of his Kingdoms, it was fit to be done though it were with leaving themſelves nothing beſides Hoſe, and Doublet; ſome of them with much earneſtneſs after forward expreſſions of readineſs towards advancing the buſineſs, concluded that as his Majeſty is the beſt of Kings, ſo his people ſhould ſtrive to be ranked amongſt the beſt of Subjects. Thus every of them in a manner, ſeeming to contend with one another, who ſhould ſhew moſt affection and forwardneſs to comply with his Majeſties Occaſions; and all of them expreſſing even with paſſion how much they abhor and deteſt the Scotiſh Covenanters, and how readily every mans hand ought to be laid on his Sword, to aſſiſt the King in the reducing of them, by force to the Obedience and Loyalty of Subjects, they deſired that themſelves and others of this Nation might have the honour to be imployed in this Expedition, and declared with very great Demonſtration of cheerful affections, That their hearts contained Mines of Subſidies, for his Majeſty, That Twenty Subſidies, if their abilities were equal with their deſires, were too little to be given to ſo ſacred a Majeſty, from whoſe Princely Clemency, by the miniſtration of the Lord Lieutenant, ſo many and ſo gracious favours are continually derived unto them, That the promiſes made unto them by his Lordſhip the laſt Parliament on his Majeſties behalf, have been fully and effectually performed in all things to their Comfort and Contentment; That the Subjects of this Kingdom are infinitely bound to his Majeſty for his gracious favour in giving them the firſt opportunity, thus early before others of his Subjects, to manifeſt their faith and Loyalty to him; and in the end conſidering*

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ſidering the preſent Condition of the Kingdom, and how Unable they are without too much preſſure to advance more at this time, They humbly beſought that by the Lord Lieutenants interpoſition to his Majeſty, four Subſidies might be accepted from them at this time; yet with this Declaration made by them, with as much Demonſtration of Loyalty as ever Nation or people expreſſed towards a King, That if more than theſe four ſhall be requiſite and the occaſions of the War continue, They will be ready to grant more; and to lay down their Perſons, Lives and Eſtates at his Majeſties Feet, to furniſh his Royal Deſigns for Correction of the diſordered factions in Scotland, *and reducing them to a right underſtanding of themſelves, and for the defence and ſafety of his Majeſties Kingdoms and people. And they earneſtly deſired us of the Council then preſent, that immediately after the riſing of the houſe, we would repreſent this from the houſe to the Lord Lieutenant, which they did with General Acclamations and ſigns of Joy and Contentment; even to the throwing up of their hats, and lifting up of their hands.*

The queſtion being put for the granting of four Subſidies, with ſuch a Declaration to be made, beſide the Act of Subſidie, It was unanimouſly aſſented unto by the whole Houſe, there being found therein not one Negative Voice; which we mention for the glory of his Majeſty that hath ſo good and Loyal Subjects, and for the Honour of this Government and Nation; And at the requeſt of the Houſe, ſelect Committees were appointed to draw up the Declaration, which will be printed with the Act of Subſidy.

And we intreat you as ſpeedily as you may to make known to his Majeſty theſe paſſages, which are, (as we humbly conceive) of mighty importance to the Honour of his Majeſty and ſafety of his Dominions.

And becauſe no words are able fully to ſet forth the cheerfulneſs wherewith this people did in this particular manifeſt their ſenſe of his Majeſties Occaſions, by their deſires to further his Royal Intentions, and their entire affections to preſerve the honour of his Perſon, and all with moſt lively expreſſions of their Duty and Loyalty towards him; We of his Council could have wiſhed if it had been poſſible that his Majeſty had been in his own Perſon an eye-witneſs of this dayes carriage, which we humbly conceive would have been of much more value in his Royal Eſtimation than Twenty Subſidies. And ſo Sir we remain, from his Majeſties Caſtle of Dublin *the twenty third of* March 1639.

Your very aſſured Loving Friends,

John Dillon.
William Parſons.
Ph. Maenwaring.
Edward Trevor.
William St. *Leger.*
Chr. Wandesford.
Chā. Coote.
Geo. Radcliffe.
Adam Loftus.
John Borlaſſe.
Tho. Rotherham.
Ro. Meredeth.

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A Declaration of the Commons House of Parliament.

A Declaration of the Irish Parliament.

'WHereas they have with one conſent cheerfully given to his 'Majeſty four entire Subſidies, towards his preſent prepara-'tion to reduce his diſaffected Subjects the Covenanters in *Scotland* 'to their due Obedience, They ſtill hope that his Majeſties great 'Wiſdom and unexampled clemency may yet prevail, even with the 'worſe affected of thoſe his Subjects, to bring them to that Confor-'mity and ſubmiſſion, which by the Laws of God and Nature they 'owe unto him. But if his Majeſty ſhall be inforced to uſe his 'power to Vindicate his juſt Authority, this Houſe for themſelves, 'and the Commons of this Kingdom do profeſs, that their zeal and 'duty ſhall not ſtay here at theſe four Subſidies. But they do hum-'bly offer their Perſons and Eſtates, even to the utmoſt of their abi-'lity, for his Majeſties future Supply in a Parliamentary way, as his 'great occaſions by the continuance of that diſtemper ſhall require. 'This they pray that it may be repreſented to his Sacred Majeſty, by 'the Right Honourable the Lord Lieutenant, That it may be re-'corded as an Ordinance of Parliament; and that it may be Pub-'liſhed in Print for a Teſtimony to all the World and ſucceeding 'Ages, That as this Kingdom hath the happineſs to be Governed by 'the beſt of Kings, ſo they are deſirous to give his Majeſty juſt cauſe 'to account of this people amongſt the beſt of his Subjects.

THe Privy Council was careful to provide all things Neceſſary, in order to the carrying on of the War in *England* againſt the Scots, whatever the Iſſue of the Parliament ſhould prove to be, and took ſpecial care for Proviſions for the Horſe, as by the Inſtructions and Orders following do appear.

Inſtruction for John Gibbon *Eſquire, appointed by Commiſſion under the Great Seal of* England *to be Commiſſary and Provider for Proviſions for the Horſe belonging to his Majeſties Army.*

Commiſſary of Proviſions his Inſtructions.

FIrſt, You are to attend the Lord General of his Majeſties Army, and to take direction from his Lordſhip from time to time what Quantities of Oates, Beans, Hay, and other proviſions for Horſe will be requiſite and wanting, and provide the ſame by vertue of your Commiſſion, and cauſe them to be provided from time to time to ſuch places as his Lordſhip ſhall direct you; and for the preſent you are to provide the quantity of ſix hundred Loads of Hay, and three thouſand quarters of Oates to be laid in at *Barwick* before the laſt of *June*.

You are to require the aſſiſtance of the Juſtices of Aſſize, and Deputy Lieutenants, and likewiſe of the Peace jointly in Seſſions or ſeverally as occaſion ſhall require, and as in your diſcretion ſhall ſeem beſt for the ſervice, to which end Letters of Aſſiſtance are directed unto them.

For Coveyance and Carriage of thoſe Proviſions you ſhall by vertue of your Commiſſion, and your Letters of Aſſiſtance provide

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the ſame both by Land and Water, that is to ſay, either ſhips by Sea, or Boats by Rivers, as likewiſe all kind of Land Carriages, by Carts, Waggons, Horſes, *&c.* at ſuch moderate prices as you can agree upon.

You ſhall from time to time give due advertiſement to the Lord General of his Majeſties Army, or ſuch as his Lordſhip ſhall appoint, letting his Lordſhip know where you are, and how you proceed in the particular Services.

You ſhall likewiſe imploy your ſufficient Deputies for the better expedition of the ſervice, and to that end divers Duplicats of your Commiſſion are to be ſealed with the Great Seal.

If in the execution of this ſervice, you ſhall find any perſons either negligent in giving Aſſiſtance, or refractory in their Obedience, you ſhall give accompt thereof either to the Lord General, or to the Lords of the Council here, as you ſhall judge of the Reformation to be more ſpeedily expected in reſpect of the place and diſtance.

You ſhall give your Paſports or Certificates to all ſuch as you ſhall imploy in carriage of thoſe Proviſions you ſhall make, ſignifying that they are carried by your order, requiring all perſons to be aiding and aſſiſting unto the Conveyers, and not to preſume to divert or hinder them in their paſſage to thoſe places you have directed them. And in thoſe paſports you ſhall require all his Majeſties Officers and Miniſters to be aiding and aſſiſting; and the like Paſports your Deputies ſhall give from thoſe places, where they ſhall make any proviſions for your direction.

If in the Execution of this ſervice you ſhall find any defect in the Commiſſion, Power and Inſtructions given you, or your Deputies, you ſhall further advertiſe the ſame unto one of the principal Secretaries of State, that ſo it may be ſupplyed.

Laſtly, howſoever there is a fee allowed you in the eſtabliſhment of the Army, yet becauſe other ſumms may peradventure be neceſſarily expended both in reſpect of the charge of your Deputies, as many other wayes, his Majeſty hath given order that the ſame ſhall be from time to time payed unto you upon ſuch bills as you ſhall preſent unto the Lord Treaſurer and Chancellor of the Exchequer, and which they ſhall allow of. Dated and Signed as the Warrants.

An open Warrant directed to all his Majeſties Lords Lieutenants of Counties, their Deputies, Juſtices of Aſſize, Juſtices of Peace, Sheriffs, Mayors, and to all Admirals, Vice-Admirals, Bayliffs, Headboroughs, Conſtables, and all other his Majeſties Officers and Loving Subjects whatſoever.

Concerning Proviſions for Horſe in his Majeſties Army in the Northern parts.

WHereas his Majeſty by Commiſſion under the Great Seal of *England*, bearing date the firſt of *April*, hath been pleaſed to nominate and appoint *John Gibbon* Eſq; to be Commiſſary and provider of all manner of Proviſions for the Horſe belonging to the Army, now going towards the Northern parts; As likewiſe for providing all manner of Carriages, as well by Land as by Water, and whatſoever elſe ſhall be incident and neceſſary for that ſervice, as more

An. 1640. at large doth appear by the ſaid Commiſſion: And for that the due and diligent execution of this ſervice doth highly concern the proſperity and good ſucceſs of his Majeſties affairs, Theſe ſhall be in his Majeſties Name, ſtrictly to charge and require all thoſe his Miniſters whom it doth concern, and eſpecially thoſe to whom theſe preſents are directed, to be furthering, aiding and aſſiſting unto the ſaid *John Gibbon* his Agents and Deputies in the execution of the ſaid Commiſſion. And in caſe any perſon or perſons ſhall be found diſobedient or refractory in the performance of whatſoever may conduce to the execution and diſcharge of the ſaid Commiſſion, and duly required from the ſaid Commiſſary, They ſhall proceed by all lawful means and wayes for the exemplary and ſpeedy puniſhment of ſuch Offenders at their utmoſt perils. Dated at *White-Hall* the ſecond of *April* 1640.

Twelve of theſe Warrants were ſo dated, becauſe they muſt bear date after the Commiſſion.

Signed

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Marqueſs Hamilton.
Earl Marſhall.
Lord High-Admiral.
Lord Chamberlain.
Earl of Salisbury.
Lord Goring.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

Sir *John Finch* Keeper of the Great Seal, created Baron of *Fordwich.*

A *Patent of Creation granted unto Sr.* John Finch *Knight, Lord Keeper of the Great Seal of* England, *of the Dignity and Honour of Lord* Finch *of* Fordwich *in the County of* Kent, *to him and the heirs Males of his body, with all rights and priviledges to the ſame belonging.* Hiis teſtibus, *&c.* Datum per manum Domini Regis apud Palacium *Weſtm.* vii. die Aprilis Anno R. ſui xvi.

Per ipſum Regem.

J. F. C. S.

VVyllis.

The Oath of a Lord Keeper *or* Lord Chancellor.

Lord Chancellor or Lord Keepers Oath.

YOu ſhall ſwear, That well and truly you ſhall ſerve our Sovereign Lord the King and his people in the Office of Chancellor, and you ſhall do right to all manner of people, poor and rich, after the Laws and Uſages of this Realm: And truly

ly you shall counsel the King, and his counsel you shall layn and keep, and you shall not know nor suffer the hurt or disinheriting of the King, or that the right of the Crown be decreased by any means, as far forth as you may lett it: And if you may not lett it, you shall make it clearly and expressly known unto the King, with your true Advice and Counsel. And that you shall do, and purchase the Kings profit in all that you reasonably may, As God you help, and by the Contents of this Book. *An.* 1640.

UPon report of his Majesties Attorny General, that *sundry Patents, Licences* and *Commissions* which were last *called in and declared void* by his Majesties Proclamation, were still deteined and kept by the Patentees, and such unto whom those Licences and Commissions were granted, they *refusing* to bring in and deliver up the same, according as by Command and Order of the Board they were enjoyned; which Order was sufficiently made known unto them by *Edvard Stockdale*, one of the Messengers of his Majesties Chamber, thereto expressly appointed: It was thereupon ordered, that the said *Edward Stockdale* should by vertue hereof, give warning to all those Patentees, and others concerned in the Licences and Commissions, according to the Schedule set down at the foot of this Order, to bring in the said Patents, Licences and Commissions to the Council Chamber, and with the same, to attend personally on the Board on *Friday* next. Whereof they may not fail, as they will answer the contrary at their perils. *April* 10. 1640. Patents called in still kept on foot, notwithstanding the Kings Proclamation.

The Commission for Brewing and Malting.
A Patent of Register to the Commission for Bankrupts in divers Counties.
The Patent for marking and gaging of Butter Cask.
The Hat-band Makers Grant.
The Patent for making Brick.
The Patent for Kelp and Sea-weed.
The Patent for Sealing of Linnen Cloth.
The Privy Seal for Buttons.
The Patent for Gut-string-making.
The Horners Patent.
The Patent for Lampreys.
The Patent for Transportation of Butter.
The Patent for Gathering of Raggs.
The Patent for Hay and Straw.

A Warrant directed to Thomas Adams *one of the Sheriffs of the City of* London, *as followeth.*

WHereas his Majesty finds cause to restrain the person of the Lord *Lowden*, and hath made choice of your service and of your House for that purpose; These are therefore in his Majesties Name, to will and require you to receive the said Lord *Lowden* into your custody, *April* 11. 1640. The Lord *Lowden* committed.

An. 1640. custody, and him safely to keep, until his Majesties pleasure shall be further signified unto you in this behalf. Dated the eleventh of *April* 1640. Signed

Lord Arch-bishop of Canterbury.
Lord Marquess Hamilton.
Lord High Admiral.
Earl of Traquaire.
Lord Cottington.
Mr. Treasurer.
Mr. Secretary Windebanke.

The Parliament opened.

ON *Monday April* 13. the Parliament opened at *Westminster.* Now because we desire to keep strictly to point of Time, let Military preparations be post-poned till the end of this Parliament, which was dissolved the fifth of *May* following.

But before the Parliament opened, a Proclamation was made before the Lord Steward in the Lobby as followeth.

A Proclamation before the *Lord Steward.*

A Proclamation before the *Lord Steward.*

THe Kings Most Excellent Majesty doth straightly charge and command all manner of Persons, chosen for the Knights, Citizens and Burgesses, to attend in this present Parliament, that they, nor any of them, do presume to sit or take their places in the Lower House of Parliament, until they, and every of them, have first taken the Oaths of Supremacy **and** Allegiance **in the usual manner and place; nor until the Sheriff shall make return of his Writ according to Statute, unto the Clerk of the Crown in** Chancery, **and his, or their names be there entred in such manner as hath heretofore been accustomed, upon pain of the peril shall fall thereon.**

God save the King.

All Knights, Citizens, and Burgesses, chosen to attend this present Parliament, make your appearance, and answer to your Names as you shall be called.

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The Names of the Knights, Citizens and Burgeſſes of the Counties, Cities and Borough-Towns of England *and* Wales, *and the Baronie of the Ports now Summoned to ſit in Parliament holden at* Weſtminſter *the thirteenth day of* April 1640. *in the ſixteenth Year of the Reign of our Soveraign Lord King* Charles.

Names of Members returned to ſerve in Parliament *April* 1640.

Bedford.

Thomas Lord *Wentworth.*
Oliver Luke Knight.
Town of Bedford.
Beuchampe St. John Knight.
Samuel Luke Knight.

Buckingham.

John Hambden Eſq;.
Arthur Goodwyn Eſq;.
Town of Buckingham.
Peter Temple Knight & Baronett.
Alexander Denton Knight.
Borough of Wiccombe.
Edward Verney Knight Marſhal.
Thomas Lane Eſq;.
Borough of Alisbury.
John Packington Baronett.
Ralph Verney Eſq;.
Borough of Agmondeſham, *alias* Amerſham.
William Drake Eſq;.
Edward Walter Junior Eſq;.
Borough of Wendover.
Walter Pye Knight.
Robert Crooke Eſq;.
Bennet Hoskins Eſq;.
Borough of Merlowe.
John Burlace Eſq;.
William Hicks Knight.

Berkſhire.

John Fettiplace Eſq;.
Henry Marten Eſq;.
Borough of New Windſor.
Arthur Ingram Knight.
Richard Harriſon Knight.
Borough of Reading.
Francis Knowles Senior Knight.
Francis Knowles Junior Knight.
Borough of Wallingford.
Edmond Dunch Eſq;.
Unton Croke Eſq;.
Borough of Abingdon.
George Stonehouſe Baronett.

Cornwall.

Francis Godolphin Eſq;.
Richard Buller Knight.
Borough of Dunchevit *alias* Lanceſton.
Bevell Greynvill Knight.
Ambroſe Manaton Eſq;.
Borough of Leskard.
John Harris Eſq;.
Sege Kekewich Eſq;.
Borough of Loſtwithiel.
Richard Arundel Eſq;.
Nicholas Kendall Eſq;.
Borough of Truro.
Francis Rows Eſq;.
John Roll Gent.
Borough of Bodwyn.
Richard Winn Knight & Baronet.
Richard Prideaux Eſq;.
Borough of Helſton.
Sidney Godolphin Eſq;.
William Godolphin Eſq;.
Borough of Saltaſhe.
George Buller Eſq;.
Francis Buller Eſq;.
Borough of Camelford.
Pierce Edgcombe Eſq;.
Edward Reade Eſq;.
Borough of Port-pigham *alias* Weſtlowe.
Anthony Mildmay, Eſq;.
George Potter Eſq;.

Borough

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Borough of Grampound. q
Warwick Mohun Eſq;.
John Trevanion Eſq;.
William Coryton Eſq;.
Borough of Eaſtlaw.
William Scawen Eſq;.
William Code Eſq;.
Borough of Penrin.
Joſeph Hall Eſq;.
Richard Vivion Knight.
Borough of Tregony. q
Nicholas Burlaſe Eſq;.
John Arundell Eſq;.
John Seyntaubyn Eſq;.
Borough of Boſſing.
Anthony Nichols Eſq;.
Edward Herle Eſq;.
Borough of St. Ives.
William Dell Eſq;.
Henry Martin Knight.
Borough of Fowey.
Edwin Rich Eſq;.
Jonathan Raiſhleigh Eſq;.
Borough of St. Jermins.
William Scawen Eſq;.
John Elliot Eſq;.
Borough of Michell. q
Peter Courtney Eſq;.
William Chadwell Eſq;.
Francis Baſſet Eſq;.
Samuel Coſworth Eſq;.
Borough of Newport. q
Nicholas Trefuſis Eſq;.
John Maynard Eſq;.
Paul Specott Eſq;.
Borough of St. Mawes.
Jacob Sheffeild Eſq;.
George Parry Doctor at Law.
Borough of Killington.
Samuel Roll Knight.
Thomas Gardiner Eſq;.

Cumberland.

George Dalſton Knight.
Patrick Curwyn Baronet.
City of Carlile.
William Dalſton Eſq;.
Richard Barwis Eſq;.

Cambridge-ſhire.

Dudley North Knight and Bar.
John Cutts Knight.
Cambridge *Univerſity.*
Thomas Eden Doctor at Law.
Henry Lucas Eſq;.
Town of Cambridge.
Thomas Meautes Eſq;.
Oliver Cromwell Eſq;. q

Cheſhire.

William Brereton Baronet.
Thomas Aſhton Baronet.
City of Cheſter.
Thomas Smith Knight & Alderm.
Robert Brerewood Eſq;.

Derby-ſhire.

John Mannors Knight.
John Curſon Baronet.
Town of Derby.
William Alloſtree Eſq;. & Record.
Nathanael Hallowes Alderman. q

Devon-ſhire.

Thomas Wiſe Eſq;.
Edward Seymour Eſq;. q
City of Exeter.
Robert Walker Eſq;. Mayor.
Jacob Tucker Eſq;. Alderman.
Borough of Totnes.
Oliver St. John Eſq;.
John Maynard Eſq;.
Borough of Plimouth.
Robert Trelawny Eſq;.
John Waddon Eſq;.
Borough of Barneſtaple.
George Peard Eſq;.
Thomas Mathew Merchant.
Borough of Plimpton. q
Richard Strode Knight.
Nicholas Slanning Knight, Record.
Thomas Hele Baronet.
Borough of Taviſtocke.
William Lord *Ruſſel.*
John Pym Eſq;.

Borough

Borough of Dartmouth
Clifton Hardnes.
John Upton Eſq;.
Andrew Voyſey Merchant.
Borough of Bereaſton.
William Strode, Eſq;.
John Harris Eſq;.
Borough of Tiverton.
Peter Ball Eſq; Queens Attorney.
Peter St. Hill Eſq;.

Dorſet-ſhire.

Richard Rogers Eſq;.
George Lord *Digby*.
Town of Pool.
John Pym Eſq;.
William Conſtantine Eſq;.
Borough of Dorcheſter.
Denzel Hollis Eſq;.
Dennis Bond Gent.
Borough of Lyme-Regis.
Walter Earle Knight.
Edward Prideaux Eſq;.
Richard Roſe Gent.
Borough of Waymouth.
John Strangewayes Knight.
Thomas Gier Gent.
Melcomb-Regis.
Giles Strangewayes Eſq;.
Richard King Eſq;.
Borough of Bridport.
Thomas Trenchard Eſq;.
John Miller Knight.
Borough of Shaftsbury.
William Whitaker Eſq; Recorder.
Samuel Turner Eſquire.
Borough of Wareham.
John Trenchard Eſq;.
Gilbert Jones Doctor of the Civil Law.
Borough of Corſe-Caſtle.
Henry Jermin Eſq;.
Giles Green Eſq;.

Eſſex.

Thomas Barrington Knight & Bar.
Harbottle Grimſton Knight and Baronet.
Borough of Colcheſter.
William Maſham Knight & Bar.
Harbottle Grimſton Eſq;.
Borough of Malden.
Henry Mildmay Knight.
John Porter Eſq;. Recorder.
Borough of Harwich.
Thomas Cheeke Knight.
John Jacobs Knight.

Glouceſter-ſhire.

Robert Tracy Knight.
Robert Cooke Knight.
City of Glouceſter.
William Singleton Eſq;.
Henry Brett Eſq;.
Borough of Cirenceſter.
Henry Poole Eſq;.
John George Eſq;.
Borough of Tewksbury.
Anthony Aſhley Cowper Baronet.
Edward Alford Knight.

Huntington-ſhire.

Thomas Cotton Baronet.
Capell Beadle Baronet.
Town of Huntington.
Robert Bernard Eſq;. Recorder.
William Mountague Eſq;.

Hartford-ſhire.

William Litton Knight.
Arthur Capel Eſq;.
Town of St. Albans.
John Jennings Knight of the Bath.
Thomas Conningesby Eſq;.
Town of Hartford.
Charles Viſcount *Cranborne*.
Tho. Fanſhaw Knight of the Bath.

Hereford-ſhire.

Robert Harley Knight of the Bath.
Walter Pye Knight.
City of Hereford.
Richard Weaver Gent.
Richard Seaborn Eſq;.
Borough of Lempſter.
William Smaleman Eſq;.
Walter Kirle Eſq;.
Borough of Webley.
William Tomkins Eſq;.
Thomas Tomkins Eſq;.

An. 1640.

Kent.

Roger Twiſden Knight & Baronet.
Norton Knatchbull Eſq;.
City of Canterbury.
Ed. Maſter Eſq;.
John Nutt Eſq;.
City of Rocheſter.
Thomas Walſingham Knight.
John Clerk Eſq;.
Borough of Maidſtone.
George Fane Knight.
Francis Barnham Knight.
Borough of Quinborough.
Edward Hales Knight & Baronet.
John Wolſtenholme Knight.

Lincolnſhire.

John Wraye Knight & Baronet.
Edw. Huſſey Knight & Baronet.
City of Lincoln.
John Farmery Doctor of the Civil Law.
Thomas Grantham Eſq;.
Town of Boſton.
Anthony Irby Knight.
William Ellis Eſq;.
Town of Grimesby.
Gervaſe Holles Eſq;.
Chriſtopher Wraye Knight.
Town of Stamford.
Thomas Hatton Knight.
Thomas Hatcher Eſq;.
Borough of Grantham.
Edward Baſh Knight.
Henry Pelham Eſq;.

Leiceſterſhire.

Arthur Haſelrigge Baronet.
Henry Lord *Graye of* Ruthen.
Town of Leiceſter.
Simon Every Eſq;.
Thomas Cooke Eſq;.

Lancaſhire.

Gilbert Houghton Knight *and* Baronet.
William Farrington Eſq;.
Borough of Preſton *in* Andernes.
Richard Shuttleworth Eſq;.
Thomas Standiſhe Eſq;.
Town of Lancaſter.
Roger Kirby Eſq;.
John Harriſon Eſq;.
Borough of Leverpoole.
Jacob Lord *Cranfeilde.*
John Holcroft Eſq;.
Borough of Wigan.
Orlando Bridgeman Eſq;.
Alexander Rigbie Eſq;.
Borough of Clithero.
Richard Shuttleworth Gent.
Ralph Aſhton Eſq;.
Borough of Newton.
Richard Wynne Knight & Baron.
William Sherman Eſq;.

Middleſex.

Gilbert Gerrard Baronet.
John Franklyn Knight.
City of Weſtminſter.
John Glyn Eſq;.
William Bell Gent.
City of London.
Thomas Soame Eſq;. Alderman.
Iſaac Pennynton Eſq;. Alderman.
Mathew Cradocke Merchant.
Samuel Vaſſel Merchant.

Monmouth-ſhire.

Thomas Morgan Eſq;.
Walter Rumſey Eſq;.
Town of Monmouth.
Charles Jones Eſq;. Recorder.
William Watkins Eſq;.

Northampton-ſhire.

John Crewe Eſq;.
Gilbert Pickering Knight *and* Baronet.
City of Peterburgh.
David Cecil Eſq;.
William Fitz-Williams Eſq;.
Town of Northampton.
Zouche Tate Eſq;.
Richard Kneightley Junior, Eſq;.

Borough

An. 1640.

Borough of Brackley.
Thomas Wenman Knight.
Martin Liſter Knight.
Borough of Higham Ferrers.
Chriſtopher Hatton Knight *of the* Bath.

Nottingham-ſhire.

Thomas Hutchinſon Knight.
Robert Sutton Eſq;.
Town of Nottingham.
Charles Cavendiſh Knight.
Gilbert Boone Sergeant at Law.
Borough of Eaſt-Retford.
Jervas Clifton Knight *and* Baron.
Francis Pierrepoint Eſq;.

Norfolk.

John Holland Baronet.
Edward Mounde ford Knight.
City of Norwich.
Thomas Atkins Citizen of *Norwich.*
John Tooley Citizen *and* Alderm.
Town of Lynne-Regis.
William Doughtie Eſq;. Alderm.
Thomas Gurlyn Eſq;. Alderman.
Town of Great Yarmouth.
Edward Owner Eſq;. Alderman.
Miles Corbett Eſq;. Recorder.
Town of Thetford.
Thomas Woodhouſe Knight & Bar.
Framhugham Gawdy Eſq;.
Borough of Caſtle-Riſing.
Thomas Talbot Eſq;.
Nicholas Harman Eſq;.

Northumberland.

John Fenwick Knight & Baronett.
William Widderington Knight.
Town of Newcaſtle *upon* Tyne.
Peter Riddell Knight.
Thomas Liddell Eſq;.
Borough of Morpeth.
Philip Manwareing Knight.
Thomas Witherings Eſq;.
Town of Berwick.
Thomas Widdrington Knight.
Hugh Potter Eſq;.

Oxford-ſhire.

Jacob Fyennis Eſq;.
Francis Wenman Knight.
Univerſity of Oxford.
Francis Windebanke Knight, one of the Principal Secretaries of State.
John Danvers Knight.
City of Oxford.
Charles Viſcount *Andover.*
Thomas Cooper Gent. Alderman.
Borough of Woodſtocke.
William Lenthall Eſq;.
William Fleetwoode Knight.
Borough of Banbury.
Nathaniel Fyennis Eſq;.

Rutland.

Baptiſta Noell Eſq;.
Guido Palmes Eſq;.

Surrey.

Richard Onſlowe Knight.
Ambroſe Browne Baronett.
Borough of Southwarke.
Robert Holborne Eſq;.
Richard Tuffnell Gent.
Borough of Blechenley. q
Edward Biſhe Eſq;.
Edmund Hoskins Eſq;.
Francis Carew Knight of the Bath.
Borough of Ryegate. q
Thomas Thurland Eſq;.
Thomas Bludder Knight.
John Goodwyn Eſq;.
Borough of Guilford.
Robert Parkhurſt Knight.
George Abbot Eſq;.
Borough of Gatton.
Samuel Owfield Eſq;.
Edward Sanders Eſq;.
Borough of Haſlemere.
John Jaques Baronet.
William Elliot Knight.

Stafford-ſhire.

Edward Littleton Baronet.
William Bowyer Knight.

An. 1640.

Borough of Litchfield.
Walter Devoreux Knight.
Richard Dyot Knight.
Town of Stafford.
Ralph Sneyde Gent.
Richard Weſton Eſq;.
Borough of Newcaſtle *upon* Lyne.
John Merrick Knight.
Richard Loyd Eſq;.
Borough of Tamworth.
George Abbot Eſq;.
Simon Archer Knight.

Shrop-ſhire.

William Pierpoint Eſq;.
Vincent Corbet Eſq;.
Borough of Salop.
Francis Newport Eſq;.
Thomas Owen Eſq;.
Bruges *alias* Bridgenorth.
Thomas Whitmore Eſq;.
Edward Acton Eſq;.
Borough of Ludlow.
Ralph Goodwyn Eſq;.
Charles Baldwyn Eſq;.
Great Wenlocke.
Thomas Littleton Eſq;.
Richard Creſſet Eſq;.
Biſhops Caſtle.
Robert Howard Knight & Bar.
Richard Moore Eſq;.

Southampton.

Henry Wallop Knight.
Richard Whitehead Eſq;.
Borough of Winton.
John Liſley Eſq;.
William Ogle Knight.
Town of Southampton.
John Mill Baronet.
Thomas Levingſton Eſq;.
Borough of Portſmouth.
William Hamilton Eſq; *of* Lanrick.
Henry Percie Eſq;.
Borough of Yarmouth.
Philip Lord *Liſle*.
William Oglander Eſq;.
John Bulkley Eſq;.

Borough of Peterfield.
William Lewis Baronet.
William Udal Knight.
Newport *alias* Medena.
Lucius Viſcount *Falkland*.
Henry Worſley Baronet.
Borough of Stockbridge.
William Jephſon Eſq;.
William Heveingham Eſq;.
Borough of New-towne.
Nicholas Weſton Eſq;.
John Meux Eſq;.
Chriſt-Church.
Arnold Herbert Knight.
Henry Tulſe Eſq;.
Borough of Whitchurch.
Thomas Jervoyſe Knight.
Richard Jervoyſe Eſq;.
Borough of Limmington.
John Dodington Eſq;.
John Kempe Eſq;.
Borough of Andover.
Richard Wyn Baronet.
Robert Wallop Eſq;.

Suffolke.

Nathanael Barnardiſton Knight.
Philip Parker Knight.
Borough of Ipſwich.
William Gage Eſq;.
John Gurdon Eſq;.
Borough of Dunwich.
Henry Coke Eſq;.
Anthony Bedingfield Eſq;.
Borough of Ortford.
Charles le Groſſe Knight.
Edward Duke Eſq;.
Borough of Aldburgh.
William Raynborow Eſq;.
Squire Bence Merchant.
Borough of Sudbury.
Robert Crane Knight & Baronet.
Richard Pepys Eſq;.
Borough of Eye.
Frederick Cornwallis Knight and Baronet.
Roger North Knight.
Borough of St. Edmondsbury.
Thomas Jermin Knight.
John Godbold Recorder.

Somerſet

16 Caroli.

Somerſet-ſhire.

Ralph Hopton Knight *of the* Bath.
Thomas Smith Eſq;.
City of Briſtol.
John Glanvil Serjeant *at* Law.
Humphrey Hook Eſq;. Alderman.
City of Bath.
Charles Berkley Knight.
Alexander Popham Eſq;.
City of Wells.
Edward Rodney Knight.
John Baber Eſq;.
Borough of Taunton.
William Portman Baronet.
Roger Hill Gent.
Borough of Bridgewater.
Edmund Windham Eſq;.
Robert Blake Gent.
Borough of Mynhead.
Alexander Popham Eſq;.
Francis Windham Gent.
Arthur Ducke Doctor *of the* Civil Law.
Borough of Ilcheſter.
Henry Berkley Knight.
Edward Philips Eſq;.
Milborne *Port.*
Edward Kirkton Eſq;.
Thomas Earle Eſq;.

Suſſex.

Thomas Pelham Baronet.
Anthony Stapley Eſq;.
City of Chicheſter.
Chriſtopher Lewknor Eſq;.
Edward Dowſe Eſq;.
Borough of Horſham.
Thomas Middleton Eſq;.
Hall Ravenſcroft Eſq;.
Borough of Midhurſt.
Thomas May Eſq;.
Robert Long Eſq;.
Borough of Lewes.
Herbert Morley Eſq;.
Jacob Rivers Eſq;.
Borough of Shoreham.
William Marlot Gent.
John Alford Eſq;.
Borough of Bramber.
John Suckling Knight.
Thomas Bowyer Baronet.
Borough of Steyning.
John Leeds Knight.
Thomas Farnefold Knight.
Borough of Eaſtgrimſted.
Henry Compton Knight *of the* Bath.
Robert Goodwyn Eſq;.
Borough of Arundel.
Henry Garton Eſq;.
Henry Goring Eſq;.

Weſtmerland.

Philip Muſgrave Baronet.
Henry Bellingham Knight *and* Baronet.
Borough of Appleby.
Richard Viſcount *Dungarven.*
Richard Lowther Eſq;.

Wilt-ſhire.

Philip Lord *Herbert.*
Francis Seymour Knight.
Borough of Salisbury.
Robert Hide Eſq; *&* Recorder.
Michael Olſworth Eſq;.
Borough of Wilton.
Henry Vane Knight.
Benjamin Rudyerd Knight.
Borough of Downton.
Edward Griffin Knight.
William Eyre Eſq;.
Borough of Hyndon.
Miles Fleetwood Knight.
George Gerrard Eſq;.
Borough of Heytsbury.
John Berkley Knight.
Thomas Moore Eſq;.
Borough of Weſtbury.
Thomas Peneſtone Knight.
John Aſh Eſq;.
Borough of Calne.
William Maynard Eſq;.
Walter Norborne Eſq;.
Borough of Vize.
Edward Baynton Eſq;.
Henry Danvers Eſq;.

16 Caroli.

Borough of Chippenham.
Edward Hungerford Knight *and* Baronet.
Edward Baynton Knight.
Borough of Malmsbury.
Nevill Poole Knight.
Anthony Hungerford Eſq;.
Borough of Kricklade.
Robert Jenner Eſq;.
Thomas Hodges Eſq;.
Borough of Bedwyn.
Richard Harding Eſq;.
Charles Seymour Eſq;.
Borough of Ludgerſhall.
William Aſhburnham Eſq;.
John Evelin Knight.
Borough of Old Sarum.
Edward Herbert Eſq;. Solicitor.
William Howard Knight.
Wotton Baſſet.
Thomas Windebanke Eſq;.
Edward Hide of *Pirton* Eſq;.
Borough of Marleborough.
William Carnaby Knight.
Francis Baskervile Eſq;.

Worceſter-ſhire.

Thomas Littleton Knight *and* Baronet.
John Packington Baronet.
City of Worceſter.
John Cowcher Eſq;.
John Naſh Eſq;.
Borough of Droitwich.
John Wilde Sergeant at Law.
Samuel Sandys Eſq;.
Borough of Eveſham.
William Sandys Eſq;.
William Morton Eſq;.
Borough of Bewdley.
Henry Herbert Knight.

Warwick-ſhire.

Thomas Lucy Knight.
William Combe Eſq;.
Borough of Coventry.
William Jeſſon Alderman.
Simon Norton Alderman.
Town of Warwick.
William Purefey Eſq;.
Godfery Boſſevile Eſq;.

Barons of Cinque-Ports.

Borough of Haſtings.
John Baker Baronet.
Robert Reade Eſq;.
Borough of Winchelſey.
Nicholas Criſpe Knight.
John Finch Eſq;.
Borough of Rye.
John Culpeper Knight.
John White Eſq;.
Borough of Rumney.
Thomas Godfrey Eſq;.
William Steele Eſq;.
Borough of Hyeth.
Henry Heyman Eſq;.
John Wandesford Eſq;.
Borough of Dover.
Edward Boys Knight.
Peter Heyman Knight.
Borough of Sandwich.
John Manhood Knight.
Nathanael Finch Serjeant at Law.

WALES.

Angleſey.

John Bodvill Eſq;.
Borough of Bewmaris.
Charles Jones Eſq;.

Brecknock-ſhire.

William Morgan Eſq;.
Town of Brecknocke.
Herbert Price Eſq;.

Cardigan-ſhire.

Jacob Lewis Eſq;.
Town of Cardigan.
John Vaughan Eſq;.

Cairmarthen-

Cairmarthen-ſhire.

Henry Vaughan Eſq;
Town of Cairmarthen.
Francis Loyd Eſq;.

Cairnarvon-ſhire.

Thomas Glynn Eſq;.
Town of Cairnarvon.
John Glynn Eſq;.

Denbigh-ſhire.

Thomas Salisbury Baronet.
Town of Denbigh.
John Salisbury Junior Eſq;.

Flint-ſhire.

John Moſtyn Eſq;.
Town of Flint.
Thomas Hanmer Baronet.

Glamorgan-ſhire.

Edward Stradling Knight & Baronet.
Town of Cardiffe.
William Herbert Eſq;.

Merioneth-ſhire.

Henry Wynn Eſq;.

Pembroke-ſhire.

John Wogan the elder Eſq;.
Town of Hartfordweſton.
Hugh Owen Eſq;.
Town of Pembroke.
John Stepney Baronet.

Montgomery-ſhire.

Richard Herbert Eſq;.
Town of Montgomery.
Edward Loyd Knight.

Radnor-ſhire.

Charles Price Eſq;.
Town of Radnor.
Richard Jones Eſq;.

York-ſhire.

Henry Bellaſis Eſq;.
William Saville Baronet.
City of York.
Edward Osborne Baronet.
Roger Jaques Knight.
Town of Kingſton *upon* Hull.
John Liſter Knight.
Henry Vane Eſq;.
Borough of Knasborough.
Henry Slingsby Baronet.
Henry Benſon Eſq;.
Borough of Scarborough.
Hugh Cholmley Knight.
John Hotham Eſq;.
Borough of Rippon.
William Mallory Eſq;.
Paul Neile Knight.
Borough of Richmond.
William Pennington Baronet.
Major Norton Eſq;.
Borough of Heydon.
Philip Stapleton Knight.
John Alured Eſq;.
Borough of Borough-bridge.
Ferdinand Fairefax Knight.
Francis Nevill Eſq;.
Borough of Thurske.
John Bellaſis Eſq;.
William Franckland Eſq;.
Borough of Aldburgh.
Richard Aldburgh Eſq;.
Brian Palmes Eſq;.
Borough of Beverley.
John Hotham Knight & Baron.
Michael Warton Eſq;.
Borough of Pomfret.
John Ramſden Knight.
George Wentworth Knight.

An. 1640.

MUNDAY

An. 1640.

MUNDAY the 13th of APRIL 1640.

the Parliament Opened,

The King ſpake,

My Lords and Gentlemen,

THere was never a King that had a more great and weighty cauſe to call his People together than My Self: I will not trouble you with the Particulars; I have informed my Lord Keeper, *and command him to ſpeak and deſire your Attention.*

Sir *John Finch* Lord Keeper ſpake thus,

My Lords, and you the Knights, Citizens and Burgeſſes of the Houſe of Commons,

'YOu are here this day aſſembled by his Majeſties gracious Writ and Royal Command to hold a Parliament, the gene-'ral, antient and greateſt Council of this Renowned Kingdom. By 'you, as by a ſelect choice and abſtract the whole Kingdom is 'preſented to his Majeſties Royal view, and made happy in the be-'holding of his excellent and Sacred Perſon. All of you not only 'the Prelates, Nobles and Grandees, but in your perſons that are of 'the Houſe of Commons every one, even the meaneſt of his Maje-'ſties ſubjects are graciouſly allowed to participate and ſhare in the 'honour of thoſe Counſels, that concern the great and weighty af-'fairs of the King and Kingdom. You come all armed with the 'Votes and ſuffrages of the whole Nation: and I aſſure my ſelf, 'your hearts are filled with that zealous and humble affection to his 'Majeſties Perſon and Government, that ſo juſt, ſo pious, and ſo gra-'cious a King hath reaſon to expect from all his ſubjects. I doubt 'not, but you rejoyce at this dayes meeting, and methinks you ſhould 'do ſo too; and good reaſon you have to do ſo, and with all hum-'bleneſs of heart to acknowledge the great goodneſs of his Majeſty, 'who ſequeſtring the memory of all former diſcouragements in 'preceding aſſemblies, is now of a Fatherly affection to his people, 'and a confidence that they will not be failing in their duty to 'him, who is pleaſed graciouſly to invite you and all his loving 'ſubjects to a ſacred Unity of hearts and affections, in the ſervices 'of him and of the Common-wealth, and in the execution of thoſe 'Counſels that tend only to the honour of his Majeſty, and to the 'good preſervation of you all. His Majeſties Kingly reſolutions are 'ſeated in the Ark of his Sacred Breaſt, and it were a preſumption 'of too high a nature, for any *Uzzah* uncalled to touch it: yet his

'Majeſty

16 *Caroli.*

'Majeſty is now pleaſed to lay by the ſhining beams of Majeſty, 'as *Phœbus* did to *Phaeton*, that the diſtance between Soveraignty 'and ſubjection ſhould not barr you of that filial freedom of acceſs 'to his Perſon and Counſels, only let us beware how with the 'Son of *Clymene*, we aim not at the guiding of the Chariot; as if 'that were the only teſtimony of Fatherly affection: and let us ever 'remember, that though the King ſometimes layes by the Beams 'and Rayes of Majeſty, he never layes by Majeſty it ſelf.

'In former Parliaments you have been adviſed with, for the pre-'venting and diverting of thoſe dangers, which by foreign and more 'remote Counſels might have tended to the diſhonour and ruine of 'this Nation; therein his Majeſties great Wiſdom and Providence 'hath for many years eaſed you of that trouble, his Majeſty having 'with great judgement, and prudence, not only ſeen and prevented 'our danger, but kept up the Honour and Splendor of the *Engliſh* 'Crown, of which at this day we find the happy and comfortable 'experience, Almighty God having vouchſafed ſuch ſucceſs to his 'Majeſties Counſels, that *our Fleece is dry*, when it raineth blood in 'all the Neighbour States. But what availeth this the Kingdom? '*Si foras hoſtem non inveniat, ſi modò domi inveniet.* You are now 'ſummoned to Counſels and reſolutions that more nearly concern 'you, to prevent a danger and a diſhonour, that knocks at our gates, 'and that moves from ſuch, from whom we had little reaſon to 'ſuſpect it. It's well known upon what happy and ſolid Counſels, 'one of our Wiſeſt Kings made a match with *Scotland* for his eldeſt 'daughter. We cannot forget (I'm ſure we ſhould not) the bleſ-'ſed Succeſs that waited upon thoſe Counſels, when the Crown of '*England* deſcended upon King *James* of ever bleſſed and famous 'memory, who with the fulneſs of Joy to all true *Engliſh* hearts, 'made his Entry not by Bloodſhed. The Wall of Separation was 'thereby taken away; and that glorious King to make his word 'good, *faciam eos in Gentem unam*, made all *England* rejoyce, and '*Scotland* I'm ſure had no reaſon to be ſorry for it: They partici-'pated of *Engliſh* Honours, the Wealth and Revenue of this Nation 'they ſhared in, and no good thing was withholden from them, 'ſuch was the largeneſs of heart in that moſt excellent King, and 'ſuch was the comfort we took in this Fraternity, or rather Uni-'ty: When both of us had but one Brazen Wall of Fortification to 'look unto, the Sea, and all things ſo equally and evenly carried 'between us, that *Tros Tyriuſque nullo diſcrimine habentur.* His Ma-'jeſty our moſt gracious Soveraign became Heir, as well to his Fa-'thers Vertues as to his Kingdoms, *Pacatumque Regis, &c.* and in his 'gracious and tender affection to that Nation, hath given as many 'indulgent teſtimonies of Love and Benignity, as they could ex-'pect. Thus became we both like a Land flowing with milk and 'honey; peace and plenty dwelt in our Streets, and we have had all 'our bleſſings crowned with the ſweet hopes of Perpetuity. God 'found out for my Lord the King, a Companion meet for him, his 'Royal Conſort our moſt gracious *Queen*, who as ſhe is not to be 'paralleled for her Perſon and Vertue, ſo hath ſhe made his Majeſty 'and the whole Kingdom moſt happy and bleſſed, in the ſweeteſt 'pledges of their love and our hopes which ever ſtood like Olive-'branches about the Throne or Table: But which I ſorrow for,

Civiles

16 Caroli.

'*Civiles furores patriæ nimia infelicitas*, and when his Majesty had 'most reason to expect a grateful return of Loyalty and Obedience 'from all the *Scotish* Nation, some men of *Belial*, some *Zeba* hath 'blown the Trumpet there, and by their Insolencies and rebellious 'Actions draw many after them, to the utter desertion of his Ma-'jesties Government; his Majesties and his Kingly Fathers love and 'bounty to that Nation quite forgotten, his goodness and piety un-'remembred.

'They have led a multitude after them into a course of disloyalty 'and rebellious Treason, such as former times have not left in men-'tion, nor this present age can any where equal; they have taken 'up Armes against the Lords Anointed, their rightful Prince and 'undoubted Soveraign, and following the wicked Counsels of some '*Achitophel*, they have seized on the Trophies of Honour, and in-'vested themselves with Regal power and authority: such and so 'many Acts of disloyalty and disobedience, as (let their pretences 'be what they will be,) no true English or Christian heart, but 'must acknowledge them to be the effects of foul and horrid Trea-'son.

'The last Summer his Majesty at his own charge, and at the vast 'expence of many of his faithful and loving Subjects of *England*, 'went with an Army, and then they took upon them the boldness to 'outface and brave his Royal Army, with another of their own 'raising; Yet for all this, his Majesties goodness was not lessened 'by that, nor could his gracious Nature forget what he was to them, 'nor what they were to him; but considering with himself they 'were such (*quos nec vincere, nec vinci glorioſum fuerat*) out of his 'Piety and Clemency chose rather to pass by their former miscarri-'ages, upon their humble protestations of future Loyalty and Obedi-'ence, than by just vengeance to punish their Rebellions.

'But his Majesty (who is ever awake for the good and safety of 'all his Subjects) hath since too plainly discovered, that they did but 'prevaricate with him to divert the storm which hung over their 'heads, and by gaining time to purchase themselves more advantage, 'for pursuing their rebellious purposes.

'For since his Majesty came from *Berwick*, it is come to his certain 'knowledge, that instead of performing that Loyalty and Obedience, 'which by the Laws of God, of Nature, and Nations they owe unto 'him, they have addressed themselves to Forraign States, and treated 'with them to deliver themselves up to their protection and power '(as by Gods great Providence and Goodness, his Gracious Majesty is 'able to shew under the hands of the prime Ring-Leaders of that 'Faction) than which nothing could be of more dangerous conse-'quence to this and his Majesties other Kingdoms. Whosoever they 'be that do, or shall wish *England* ill, they may know it to be of too 'tough a Complexion and Courage, to be assailed in the face, or to 'be set upon at the Fore door: and therefore it is not unlikely, but 'they may (as in former times) find out a Postern-gate.

'There were heretofore two of them, *Scotland* and *Ireland*, and 'both of them had their several Defences.

'*Ireland* through his Majesties just and prudent Government, is 'not only reduced from the distemper of former times, but settled in 'such a condition of peace, and during his Majesties happy Reign,

'so

'ſo altered and civilized, that inſtead of being a charge to him (as 'it was to his Predeceſſors) hath yielded to him ſome Revenue, and 'his Subjects there do daily give very acceptable teſtimonies of their 'Loyal and Dutiful affection, both to his Perſon and Government. 'And now lately at the Parliament aſſembled, they have not only with 'full and free conſent, made his Majeſty a cheerful Aide towards his 'preſent preparations, to reduce his diſaffected Subjects in *Scotland* to 'their due obedience, but they have alſo profeſſed and promiſed, that 'they will be ready with their Perſons and Eſtates, to the uttermoſt of 'their Ability, for his Majeſties future Supply, as his great Occaſions 'by the continuance of his Forces againſt that diſtemper, ſhall re-'quire; ſo that the hopes of hurting *England* that way, are quite ex-'tinct. *An.* 1640.

'*Scotland* then only remains, whither (as to a weak and diſtem-'pered part of the body) all the Rheumes and Fluxes of factious 'and ſeditious humours make way.

'His Majeſty hath taken all theſe, and much more into his Prince-'ly Conſideration, and to avoid a manifeſt and apparent miſchief, 'threatned to this and his other Kingdoms, hath reſolved by the 'means of a powerful Army, to reduce them to the juſt and modeſt 'Conditions of Obedience.

'It is a courſe his Majeſty takes no delight in, but is forced unto it; 'for ſuch is his Majeſties grace and Goodneſs to all his Subjects, and 'ſuch it is and will be to them (how undutiful and rebellious ſoever 'they now are) that if they put themſelves into a way of humility 'becoming them, his Majeſties Piety and Clemency will ſoon ap-'pear to all the World: But his Majeſty will not endure to have his 'honour weighed at the common Beam: nor admit any to ſtep be-'tween him and his vertue: and therefore as he will upon no terms, 'admit the mediation of any perſon whatſoever; ſo he ſhall judge it 'as high preſumption in any perſon to offer it, and as that which he 'muſt account moſt dangerous to his Honour, to have any conceit, 'that the ſolicitation of others can by any poſſibility better incline 'him to his people than he is, and ever will be, out of his own grace 'and goodneſs.

'The Charge of ſuch an Army hath been throughly adviſed, and 'muſt needs amount to a very great ſumm, ſuch as cannot be imagi-'gined to be found in his Majeſties Coffers, which how empty ſoe-'ver, have neither yet been exhauſted by unneceſſary triumphs, 'or ſumptuous buildings, or other magnificence whatſoever, but 'moſt of his own Revenue, and whatſoever hath come from his 'Subjects, hath been by him employed, for the common good and 'preſervation of the Kingdom. And like vapours ariſing out of 'the Earth and gathered into a Cloud, are fallen in ſweet and refreſh-'ing ſhowres upon the ſame ground. Wherefore his Majeſty hath 'now at this time, called this Parliament, the ſecond means under 'Gods bleſſing to avert theſe publick Calamities threatned to all his 'Kingdoms, by the mutinous behaviour of them.

'And as his Majeſties Predeceſſors have accuſtomed to do with 'your Fore-fathers, ſo his Majeſty now offers you the honour of 'working together with himſelf, for the good of him and his, and 'for the common preſervation of your ſelves and your poſterity.

An. 1640.

'Counſels and Deliberations that tend to benefit or profit, may 'endure diſputes and debates, becauſe they ſeem only accompanied 'with perſwaſions; But deliberations that tend to preſervation, are 'waited upon by neceſſity, and cannot endure either debate or de-'lay; of ſuch nature are the bleeding evils, that are now to be pro-'vided againſt.

'This Summer muſt not be loſt, nor any minute of Time foreſtow-'ed, to reduce them of *Scotland*, leſt by protraction here they gain 'time and advantage, to frame their parties with Foraign States.

'His Majeſty doth therefore deſire, upon theſe preſſing and ur-'gent occaſions, that you will for a while lay aſide all other debates, 'and that you would paſs an Act for ſuch, and ſo many Subſidies as 'you in your hearty affection to him, and to your common good, 'ſhall think fit and convenient for ſo great an Action, and withal that 'you would haſten the payment of it, as ſoon as may be: And his 'Majeſty aſſures you all, that he would not have propoſed any thing, 'out of the ordinary way, but that ſuch is the ſtraitneſs of Time, that 'unleſs the Subſidies be forthwith paſt, it is not poſſible for him to 'put in order ſuch things, as muſt be prepared before ſo great an 'Army can be brought into the Field.

'And indeed, had not his Majeſty upon the credit of his ſervants, 'and ſecurity out of his own eſtate, taken up and iſſued between 'three and four hundred thouſand Pounds, it had not been poſſible 'for his Majeſty, to have provided thoſe things to begin with, 'which were neceſſary for ſo great an Enterprize, and without 'which we could not have ſecured *Berwick* and *Carliſle*, or avoided 'thoſe affronts, which the Inſolency of that Faction might have put 'upon us, by injuring the perſons and fortunes of his Loyal Subjects, 'in the Northern parts.

'To avoid all queſtion and diſpute that may ariſe, touching his 'Majeſties taking of *Tonnage* and *Poundage*, his Majeſty hath com-'manded me to declare unto you, that he hath taken it only *de facto*, 'according to the example of former Kings, from the death of their 'paſt Predeceſſors, until the Parliament had paſſed an Act for it 'themſelves. That in like manner, his Majeſty deſires not to claim 'it, but by grant of Parliament; for this purpoſe his Majeſty hath 'cauſed a Bill to be prepared in the ſame form as it paſſed to his 'Royal Father of bleſſed memory, adding only words to give it him, 'from the firſt of his Majeſties Reign.

'This and the Bill of Subſidies, his Majeſty expects (for the preſ-'ſing reaſons before delivered unto you) may be diſpatched with all 'ſpeed, which his Majeſty commanded me to tell you he ſhall graci-'ouſly accept, as the welcome pledges of your loving, happy, and 'dutiful affection to him, his perſon, and Government.

'And his Majeſty is moſt graciouſly pleaſed, to give you his Roy-'al word, that afterwards he will give you time for conſidering of 'ſuch Petitions, as you ſhall conceive to be good for the Common 'Wealth, even now before you part, according as the ſeaſon of the 'year, and the great affairs in hand will permit; and what is now 'omitted, his Majeſty will give you time to perfect towards Winter, 'when your own leiſure and conveniency may better attend it, he 'knowing well, that theſe Subſidies can be of little uſe, without that 'more ample ſupply, which his Majeſty expects upon the happy con-

'cluſion

'cluſion of this Seſſion, and therein his Majeſty is graciouſly pleaſed '(according to the ancient way of Parliaments) to ſtay till your juſt 'grievances be heard and redreſſed. 16 *Caroli.*

'And his Majeſty aſſures you, that he will go along with you for 'your advantage, through all the gracious expreſſions of a juſt, a 'pious, and gracious King, to the end there may be ſuch a happy con-'cluſion of this Parliament, that it may be a cauſe of many more 'meetings with you.

I have now delivered what I have in Command from his Majeſty.

The KING.

My Lords,

YOU ſhall ſee he hath ſpoken nothing hyperbolically, or nothing but what I ſhall make good one way or other. The King's Speech.

And becauſe he did mention a Letter by my Subjects in Scotland, *who did ſeek to draw in Foraign power for aid, here is the Original Letter, which I ſhall command him to read unto you.*

And becauſe it may touch a Neighbour of mine, whom I will ſay nothing of, but that which is juſt (God forbid I ſhould); for my part, I think it was never accepted of by him; indeed it was a Letter to the French *King, but I know not that ever he had it; for by chance I intercepted it, as it was going unto him; and therefore I hope you will underſtand me right in that.*

His Majeſty delivering the Letter to the *Lord Keeper*, his Lordſhip began to read it, and obſerve as followeth.

Lord Keeper.

The Superſcription of the Letter is this.

AU ROY.

'FOR the nature of which Superſcription, it is well known to 'all that know the ſtyle of *France*, that it is never written by 'any *French* man to any, but to their own King; and therefore be-'ing directed (*AU ROY*) it is to their own King, for ſo in effect 'they do by that Superſcription acknowledge. A Letter from the Scots to the French King.

Then his Lordſhip read the Letter in *French*, being the original Language wherein it was Writ.

The Letter being read in *French*, his Lordſhip added.

'His Majeſty Commanded me to read it in *Engliſh* to you, as it is 'Tranſlated, for that is the Original under their own hands.

An. 1640.

SIR,

YOur Majeſty being the refuge and ſanctuary of afflicted Princes, and States, We have found it neceſſary to ſend this Gentleman Mr. Colvil, *by him to repreſent unto your Majeſty, the Candor and Ingenuity, as well of our Actions and Proceedings, as of our Intentions, which we deſire ſhould be Engraven and Written to the whole World, with the Beams of the Sun as well as to your Majeſty. We moſt humbly beſeech you therefore, to give Faith and Credit to him, and all he ſhall ſay on our part concerning us, and our affairs: being moſt aſſured of an aſſiſtance, equal to your accuſtomed Clemency heretofore, and ſo often ſhewed to this Nation, which will not yield to any other whatſoever, the Glory to be eternally*

Your Majeſties moſt humble, obedient and affectionate ſervants,

Rothes.
Montroſs.
Leſley.
Marre.
Montgomery.
Lowdon.
Foreſter.

Then the KING added.

OF theſe Gentlemen, that have ſet their hands to this Letter, here is one, and I believe you would think it very ſtrange, if I ſhould not lay him faſt; and therefore I have Signed a Warrant, to lay him cloſe Priſoner in the Tower.

My Lords, *I think, (but that I will not ſay poſitively, becauſe I will not ſay any thing here, but what I am ſure of,) I think I have the Gentleman that ſhould have carryed the Letter, faſt enough; but I know not, I may be miſtaken.*

And then my Lord Keeper *concluded.*

Gentlemen,

'YOU of the Houſe of Commons, his Majeſties pleaſure is, 'that you do now repair to your own Houſe, there to make 'choice of your Speaker, whom his Majeſty will expect to be pre-'ſented to him on *Wedneſday* next, at two of the Clock in the Af-'ternoon.

APRIL the 14th.

The Convocation began to ſit at St. *Pauls.*

The

16 *Caroli.*

The 15th of April 1640.

His Majeſty being Seated on his Throne, Mr. Sergeant Glanvile *was called in, being preſented by the Houſe of Commons as their Speaker, and he being come to the Bar, ſpake as followeth.*

May it pleaſe your Majeſty,

The Speaker's Speech.

'THE Knights, Citizens, and Burgeſſes, of your Commons-houſe of Parliament, in conformity to moſt ancient and moſt 'conſtant uſage (the beſt guide in great ſolemnities) according to 'their well-known priviledges, (a ſure warrant for their proceed-'ings) and in obedience to your Majeſties moſt Gracious Counſel 'and Command (a duty well becoming Loyal Subjects) have met 'together in their Houſe and choſen a Speaker, one of themſelves to 'be the mouth, indeed your ſervant of all the reſt, to ſteer watch-'fully and prudently in all their weighty Conſultations and debates, 'to collect faithfully and readily the genuine ſence of a numerous 'Aſſembly, to propound the ſame ſeaſonably, and in apt queſtions 'of their final Reſolutions, and ſo repreſent them and their Conclu-'ſions, their Declarations and Petitions, upon all urgent occaſions 'with truth, with right, with life and with luſtre, and with full ad-'vantage to your moſt excellent Majeſty, with what Judgement, 'what temper, what ſpirit, what Elocution ought he to be endow-'ed and qualified, that with any hope of good ſucceſs ſhould un-'undergo any ſuch employment? your Majeſty in your great Wiſ-'dom, is beſt able to diſcern and judge, both as it may relate to your 'own peculiar and moſt important affairs of State and Government, 'and as it muſt relate to the proper buſineſs of your Houſe of Com-'mons, which was never ſmall nor mean, and is like at this time to 'be exceeding weighty.

'Had your Houſe of Commons been as happy in their choice (as 'they were regular, well warranted, and dutiful) of my ſelf, who 'ſtand elected yet to be their Speaker, and am now preſented by 'them to your Majeſty, for your gracious and royal approbation, I 'ſhould not have needed to become troubleſome to your Majeſty in 'this ſuit, for my releaſment and diſcharge, which now in duty to 'your Majeſty and care for the good, proſperity, and ſucceſs of 'your affairs, I hold my ſelf obliged to make. My imperfections and 'diſabilities are beſt known to my ſelf, to your Majeſty I ſuppoſe 'not altogether unknown, before whom in the courſe of my pra-'ctice and profeſſion, I have divers times had the honour and favour 'to appear and bear a part, as an ordinary pleader.

'It is a learned Age wherein we live, under your Majeſties moſt 'peaceful and flouriſhing Government, and your Houſe of Com-'mons (as it is now compoſed) is not only the repreſentative 'body, but the abſtracted quinteſſence of the whole Commonalty, 'of this your noble Realm of *England*; there be very many amongſt 'them,

An. 1640.

'them, much fitter for this place than I am, few or none in my opini-
'on, ſo unfit as my ſelf.

'I moſt humbly beſeech your Majeſty, as you are the Father of the
'Common-wealth and head of the whole Parliament, to whom the
'care of all our welfare chiefly appertains, have reſpect to your own
'ends, have regard to your Houſe of Commons, have compaſſion up-
'on me the moſt unworthy member of that Body, ready to faint
'with fears, before the burthen light upon me.

'In the fulneſs therefore of your Kingly power, your piety and your
'goodneſs, be graciouſly pleaſed to command your houſe of Com-
'mons, once moer to meet together to conſult and deliberate better,
'about their choice of a meet Speaker, till they can agree of ſome
'ſuch perſon, as may be worthy of their chooſing, and of your Ma-
'jeſties acceptation.

The *Lord Keeper* after directions received from his Majeſty, replyed as followeth.

The Lord Keeper's Reply.

HIS Majeſty with a gracious ear, a Princely attention, hath liſtened to your humble and modeſt excuſe, full of flowers of Wit, of flowers of Eloquence, and flowers of Judgement.

Many reaſons from your ſelf he hath taken, to approve and agree to the Choice and Election, made by the Houſe of Commons, he finds none from any thing that you have ſaid, to diſſent or diſagree from it; you have ſet forth your inabilities with ſo much Ability, you have ſo well deciphered and delineated the parts, duties, and office of a good Speaker, which is to collect the ſence of the Houſe judiciouſly, to render it with fidelity, to ſum it up with dexterity, and to mould it into fit, and apt queſtions for reſolutions, and thoſe as occaſion ſhall ſerve, to preſent with vigour, advantage, and humility to his Majeſty, he doubts not, but you that are ſo perfect in the Theory, will with great eaſe perform the practick part, and with no leſs Commendation.

His Majeſty hath taken notice, and well remembers, your often waiting on him in private Cauſes, wherein you have alwayes ſo carryed your ſelf, and won ſo much good opinion from his Majeſty, as he doubteth not but that now, when you are called forth to ſerve him, and the publick, your affections and the powers of your ſoul, will be ſet on work with more zeal, and more alacrity. It's that for which the Philoſophers call a man happy, when men that have ability and goodneſs, do meet with an object fit to bring it into Act, and ſuch at this time is your good fortune, an occaſion being miniſtred unto you, to ſhew your ability and goodneſs, and your fidelity to his Majeſties Service, to ſhew the candor and clearneſs of your heart towards thoſe of the Houſe of Commons; In all which his Majeſty nothing doubteth, but you will ſo diſcharge your ſelf, as he may to his former favours, find occaſion and reaſon to add more unto you, That the Houſe of Commons may rejoice in this election of theirs, and that the whole Kingdom, by your good, clear, and candid ſervice, may receive fruits that may be comfortable unto all.

His Majeſty therefore doth approve and confirm the choice of the Houſe of Commons, and ratifies you for the Speaker.

Then

16 *Caroli.*

Then Mr. Speaker *addreſt himſelf again to his Majeſty.*

Moſt Gracious Soveraign,

'MY Profeſſion hath taught me, that from the higheſt Judge and higheſt ſeat of Juſtice, there lyeth no *writ of Error*, no Appeal. Your Majeſty in full Parliament, hath been pleaſed by the mouth of the *Lord Keeper*, to declare your Royal Judgement in affirmation of the Election of your Houſe of Commons, whereby I'm become their Speaker, and their Servant. What is there therefore left unto me? but in the firſt place devoutly to beſeech Almighty God, the Author and finiſher of all good works, to enable me by his bleſſing to diſcharge honeſtly and effectually, ſo great a task, ſo great a truſt. The Speaker's farther Speech.

'And in the next place, humbly to acknowledge (as I do) the great grace and favour, that is done unto me by your Majeſty, and readily to conform my ſelf to your good pleaſure and command, to which I now ſubmit with all poſſible cheerfulneſs, leſt elſe my too much diffidence to undertake the ſervice, might add a further diſadvantage to my performance, than peradventure would ariſe out of my other Imperfections.

'Two Enemies I might fear, the common Enemies of ſuch Services, *Expectation* and *Jealouſie*: I'm not worthy of the former, and I contemn the later. Time that tryeth truth, ſhall let the whole world ſee and know, that I am and will be found an equal Free-man, zealous to ſerve my Gracious King, and zealous to ſerve my deareſt Countrey.

'Monarchy, Royal and Hereditary, is of all ſorts of Government the moſt compleat and excellent; whether we regard the Glory, the Wealth, or the ſafety of the Governour or of the People, or of both. And I hope there are not of this Nation any that are of Antimonarchical ſpirits or reſolutions, no, nor diſpoſitions, nor friends to ſuch as are ſo; If there be, I wiſh no greater honour to this Parliament, than to diſcover them; and by all means poſſible to aſſiſt your Gracious Majeſty to ſuppreſs them, or to confound them.

'You are a great King at all times, but ſitting now attended by your Prelates, your Lords, and People in free Parliament are in the higheſt ſtate of Majeſty and Glory.

'I remember well, I heard your Majeſties moſt Royal and learned Father our late dear Soveraign King *James* of ſacred memory, ſpeak to that purpoſe of himſelf and of Kings in general; his Majeſty ſitting then in Parliament, upon that Throne which by deſcent from him, and from innumerable Royal Anceſtors, is now become your Majeſties lawful Seat and rightful Inheritance.

'To behold you thus in peace and ſafety, upon this great and good occaſion, after full fifteen years experience of your moſt peaceful Government, yields moſt compleat joy to all your Majeſties Loyal and Well-affected Subjects, who cannot but concur with me in this deſire, *ſerus in Cœlum redeas diuq; lætus interſis Britannò populo.* England is your Seat of Reſidence not made a Province, nor Governed by a *Vice-Roy*. God open all our Eyes and underſtandings, to diſcern

'and

16 *Caroli.*

'and value the great bleſſings and benefits we enjoy, by your Ma-
'jeſties gracious preſence and immediate influence of life and cheer-
'fulneſs to all the parts of theſe your Nobleſt Kingdoms.

'*Scotland* is your Birth-place, and therein hath advantage of your
'other Realms; God make them and keep them ever ſenſible and
'worthy of that Honour.

'*Ireland* begins apace to imitate *England*, in a great and quick pro-
'greſſion in civility of manners and Converſation, by many ſedulous
'plantations and improvements of the Soyle, by their receiving and
'enacting of the more wholeſome Laws and Statutes of this King-
'dom, and by many other good effects and fruits of Peace, and bleſſed
'Government.

'*France* is ſtill an Attendant to your Royal Style and Title.

'The Prerogative of a King is as neceſſary, as it is great: without
'it, he ſhould want that power and Majeſty which is, and ought to
'be inſeparable from the Crown and Scepter. Nor can there any
'danger reſult from ſuch prerogative in the King to the Liberty of
'the Subject, ſo long as both of them admit the Temperament of
'Law and Juſtice: Eſpecially under ſuch a King as your Majeſty,
'who to your immortal glory among your printed Laws, have pub-
'liſht this to the whole world for your Maxime, *The liberty of the*
'*People ſtrengthens the Kings Prerogative, and the Kings Prerogative*
'*is to defend the Peoples liberty. Apples of Gold in Pictures of Silver.*

'Kings as they are Kings, are never ſaid to err, only the beſt may
'be abuſed by miſ-information. The higheſt point of Prerogative
'is, *the King can do no wrong.* If therefore by the ſubtilty of miſ-
'informers, by the ſpecious falſe pretences of publick good, by
'cunning and cloſe contrivance of their ways to ſeduce, the Sacred
'Royal Perſon ſhall at any time be circumvented or ſurprized, or
'over-wrought and drawn to command things contrary to Law, and
'that the ſame be done accordingly; Theſe Commands will be void
'and the King innocent even in his very perſon, being defended by
'his Prerogative; Nevertheleſs the Authors in ſuch miſ-informati-
'ons, and Actors in thoſe abuſes will ſtand lyable, and expoſed to
'ſtrict examination and juſt cenſure, as having nothing to defend
'themſelves but the colour of a void Command, made void by juſt
'Prerogative, and by the fundamental and true reaſon of State and
'Monarchy: and what difference is there, or can be in Law, be-
'tween a void Command, and no Command at all?

'If Religion, Juſtice and mercy, all happily aſſembled and graci-
'ouſly lodged together in your Royal Breaſt, may give to your well-
'affected Subjects a good hope of the good Succeſs of this Parliament,
'I know not why we ſhould not all of us, expect it with much con-
'fidence. Some few particulars pertaining to theſe general heads,
'I humbly beg of your Majeſty, that without offence to your ſa-
'cred Ears, I may have leave to mention and obſerve, for the fur-
'ther comfort of my ſelf and all that hear me.

'What Prince of this Land was ever known to keep the hours and
'times ſet for Prayer and for the Service of Almighty God, with
'that Regularity and conſtancy as your Majeſty? Nay more, have
'you not ever ſince your acceſs to the Crown, had one day in every
'week beſides the Lords Day, dedicated and applyed to preaching
'and devotion? I may not ſtay here, there is another particular

'equalling

16 *Caroli.*

'equalling, nay much excelling both the former. And that is your 'Majesties great care, to educate those pledges of Conjugal and most 'abundant mutual love, that is between your Majesty and your most 'gracious Consort, the best Queen and Woman, and the foundation 'of our future hopes, the most illustrious Prince *Charles*, and the rest 'of your Royal Progeny, in the true Religion of Almighty God, 'publickly professed and by Law establisht in this Kingdom; what 'tongue is able to express the great Joy and Comfort, which all your 'Majesties most loyal and loving Subjects do derive unto themselves, 'in Contemplation of your Majesties great piety and prudence in 'this one Act expressed, extending it self not only to the present time, 'but to the good of Succession and all after Ages!

'Touching Justice, there is not any more certain sign to discern an 'equal Judge, than by his patience to be well informed before he 'give his sentence; and I may boldly say all your Judges through- 'out all your Kingdoms, may take example by your Majesty, and 'learn their duty, from your practice in this kind, I my self have 'been witness of it, to my no little Admiration and Content.

'From your patient hearing, let me pass on to your righteous 'Judgement; and therein bring but one Instance, but it shall be a 'great one. When your Lords and your People in your last Parlia- 'ment, presented to your Majesty a Petition, concerning divers 'rights and liberties of your Subjects; the Petition being of no small 'weight and importance, as by the same may well appear, your Ma- 'jesty after meet deliberation, in few but most effectual words (*soit 'droit fait come est desire,*) made them such an answer, as shall 'renown you for just Judgement, in this Age and to all Posterity.

'I make haste to come to your mercy, whereof I cannot but have 'need again and again, before I have finished that service to which I 'am enjoyned, and am not altogether in despair of obtaining it; 'Nevertheless the mercy which I mean to celebrate, is not only 'concerning single or particular persons, but whole Nations; that 'unexampled mercy and Clemency, which (in your Royal Wisdom 'and abundant goodness, happily met together) your Majesty vouch- 'safed to shew to us and all your Kingdom, in not drawing your 'Sword of Justice the last Summer, against your People of *Scotland*, 'though your Armies were much the better and the stronger.

'It seems your Majesty remembred with more tenderness of heart 'than they do, that they were Christians and your Subjects, and that 'your Power was *posse & nolle nobile.* Whatsoever might be the 'Rule that inclined you to mercy, I am sure the benefit redounds to 'us and ours, who by this means are still in peace and tranquillity, 'not without good hope of long continuance; A blessing peradven- 'ture undervalued by us, we have had so much of it, under your 'Majesties most gracious Fathers Royal Government.

'I have yet no Instructions from your House of Commons, 'therefore can propound nothing as by Warrant from them; 'But if I may have leave to present to your Majesty my own 'most humble and most hearty wishes and desires, they be directed 'upon Religion, and Chivalry, Commerce, Justice, and Unity: 'That this Parliament may be famous for the care and contentment 'of Gods true Religion in this world and that to come; and to that 'purpose, that the most Reverend Prelates your Majesties Arch-Bi

An. 1640. 'ſhops and Biſhops, ſitting on the right hand of your Throne, will 'be therein moſt forward, to whom it is moſt proper.

'That the Lords Temporal girt with their Swords in their creation, 'as more ſpecially rewarded or deſired for Actions Military, would 'call to mind the moſt Noble and moſt Valiant of their Anceſtors, 'whoſe Lands and Honours they inherit; and how famous this 'Land hath been at home and abroad, for Deeds of Arms and Acts 'of Chivalry, and to labour to reſtore it by all means to its antient 'Glory. The beſt way to preſerve Peace, is to be ready prepared 'and well fitted for War.

'That your Majeſty would be pleaſed to command, that your 'Grave and Reverend Judges, whoſe obſervations ſhould exceed all 'other mens, though they be but aſſiſtants in this ſervice, to con-'tribute the beſt and utmoſt they can, to explain, to execute, to ad-'vance our good old Laws, and to propound ſuch things for the 'enacting of wholeſome and plain new Statutes, that every ſub-'ject of this Realm may be enabled to know and underſtand him-'ſelf clearly, both what he hath to do, and what he may poſſeſs, and 'what not. There are no conſiderable Mines Royal in this King-'dom: Trade and Commerce, the exportation of our Wools in 'Manufactures and native Commodities, is that which furniſheth us 'with Gold and Silver, the materials of our Moneys, and hath only 'power to enable us to ſupply your Majeſty, for the defending of our 'ſelves, and the offending of others. That Merchants and Tradeſ-'men therefore, ſhould have all meet encouragement, is a moſt ſpe-'cial Intereſt of this *Iſland*.

'But were we never ſo Valiant, never ſo Wealthy, if Love and 'Unity be not amongſt us, what good will our Wealth do to our 'ſelves, or to your Majeſty? He that commands a heart in Love, 'he and he only commands aſſuredly the Purſe to pay, and the 'Hands to fight. I pray God therefore, that we may all endeavour 'to knit ſuch a knot of true affection, betwixt the Head and Mem-'bers, that all Jeſuited Foreign States, who look perchance with en-'vious and malignant Eyes upon us, and would be glad to rejoice in 'our Diviſions, may ſee themſelves loſt and defeated of all their 'ſubtil Plots and Combinations, and of all their wicked hopes and 'expectations, to render us (if their Endeavours might prevail) a 'people inconſiderable at home, and contemptible abroad.

Religion teacheth us, *Si Deus nobiſcum, quis contra nos?* and ex-'perience I hope will teach us, *Si ſumus inſeparabiles, ſumus inſu-'perabiles.* It was wont to be, and I hope it ever will be the Te-'net and Poſition of your Houſe of Commons, That the good of the 'King and of the People cannot be ſevered, and curſed be every one 'that ſhall go about to divide them.

'I fear I have adventured too far on your Royal patience, though 'yet I confeſs, I never knew it wearied; nevertheleſs I will here 'conclude. Only firſt beſeech your gracious Majeſty, in the name 'and right of the whole Houſe of Commons, that in your Juſtice you 'would be pleaſed, to grant and confirm to them (for their better 'Encouragement to proceed in their great buſineſs) theſe their an-'tient and juſt Liberties, which time out of mind they have right-'fully enjoyed.

That

'That they, their Servants and neceſſary Attendants, together 'with their Goods, may be freed from all Impriſonments, Arreſts 'and Moleſtations, during Parliament.

'That they may enjoy freedom of Speech, in all their Propoſiti- 'ons and Debates; which I hope they will be careful to uſe, within 'the Bounds of Loyalty and Duty.

'That upon all neceſſary occaſions, they may have acceſs to your 'Majeſty, with ſuch a competent Number, and at ſuch ſeaſonable 'times and place, as your Majeſty ſhall appoint.

'And laſt of all, that your Majeſty will be pleaſed, graciouſly to 'make the beſt Conſtruction of all their Words and Actions, and 'of mine in particular.

Thurſday APRIL the 16th.

AS ſoon as the Houſe of Commons had this day ſetled the Grand Committees for Religion, Priviledges, Courts of Juſtice and Grievances, Mr. Secretary *Windebanke* acquainted the Houſe, that he had been by the Kings Commandment at the *Tower*, to examine the Lord *Lowdon*; who ſaid, he did believe that to be his hand-writing which was ſubſcribed to a Letter, mentioned in his Majeſties Speech, and did conceive the other names ſubſcribed to the ſame Letter, were of the hand-writing of the perſons therein named.

1. THe Speaker received a Command from the King, That his Majeſties Speech ſhould be entred in the Journal of the Commons Houſe of Parliament; whereupon the Houſe paſſed a Declarative Vote, That they did not expect, that this ſhould be performed by other Speakers, but upon the like ſpecial Command, or by the Order of the Houſe.

2. A Faſt was agreed upon by the Houſe of Commons; to which purpoſe, this Meſſage was ſent to the Lords, 'That they 'had taken into conſideration the great and weighty affairs now 'in agitation in both Houſes of Parliament, concerning the welfare 'of his Majeſty and this whole Kingdom: and becauſe the principal 'way and means to attain to a happy and proſperous concluſion in 'the ſame, is to beg the Divine Aſſiſtance and Direction of Almighty 'God, in all their Conſultations by ſolemn humiliation; therefore 'they deſired the Lords to joyn with them, to move his Majeſty for 'his gracious Allowance of ſo pious a work: and that he would be 'pleaſed, to grant and appoint a Faſt throughout the whole King- 'dom.

SEveral Petitions were read, preſented by the Knights of the Shires, for the Counties of *Middleſex*, *Hertford*, *&c.* *Arthur Capell* Eſq; delivered in the firſt Petition given in by the Free-holders of the

An. 1640. County of *Hertford*, complaining of *Ship-money*, *Projects*, *Monopolies*; *Star-Chamber*, *High Commission Courts*, *&c.* ſetting forth the grievances of the People by the Church and State; which being read, ſeveral of the Members delivered their ſenſe of the preſent ſtate of affairs; and he who ſtood up firſt, was *Harbottle Grimſton* Eſq; who ſpake to the effect following.

Harbottle Grimſtone Eſq; his Speech.

Mr. Speaker,

'WE are called by his Majeſty, to conſult together of the 'great and weighty affairs of the State and Kingdom. There 'hath now a great and weighty buſineſs been preſented to this Houſe, 'and a Letter hath been read, importing (according to the Inter- 'pretation which hath been collected out of it) a Defection of the 'Kings natural ſubjects. This is a great cauſe, and very worthy of 'the Conſideration and Adviſement of this great Council: But I am 'very much miſtaken, if there be not a Caſe here at home of as 'great danger, as that which is already put. The one ſtands with- 'out at the back-door (for ſo dangers from thence in all our Hiſto- 'ries have ever been termed) but the Caſe we will put, is a Caſe 'already upon our backs. And in theſe great caſes of danger, '(which ſo much concern the welfare of the Body Politick) we 'ought to do like skilful Phyſicians, that are not led in their Judge- 'ments ſo much by outward expreſſions of a diſeaſe, as by the in- 'ward Symptoms and Cauſes of it: For it fares with a Body politick, 'as it doth with a natural Body. It is impoſſible to cure an ulce- 'rous body, unleſs you firſt cleanſe the veins, and purge the body 'from the Obſtructions and peſtilent humours that ſurcharge Na- 'ture; and that being once done, the Botches, Blanes and Scabbs 'which grow upon the ſuperficies and outſide of the Body, will dry 'up, ſhed, and fall away of themſelves. The Danger that hath now 'been preſented to the Houſe, it ſtandeth at a diſtance; and we 'heartily wiſh it were further off: yet as it ſtands at a diſtance, it 'is ſo much the leſs dangerous. But the caſe that I ſhall put, is a 'Caſe of great danger here at home. And is ſo much the more 'dangerous, becauſe it is home-bred, and runs in the Veins.

'If the one ſhall appear to be as great a danger as the other; 'we hope it will not be thought unreaſonable at this time, to put 'the one as well as the other.

Mr. Speaker,

'The Caſe is this, The Charter of our Liberties called *Magna 'Charta*, was granted unto us by King *John*, which was but a Re- 'novation and Reſtitution of the antient Laws of this Kingdom. 'This Charter was afterwards in the ſucceſſion of ſeveral Ages, 'confirmed unto us above thirty ſeveral times, and in the third 'year of his Majeſties Reign that now is, we had more than a Confir- 'mation of it: for we had an Act declaratory paſt: and then to put 'it out of all queſtion and diſpute for the future, his Majeſty by his 'gracious Anſwer, *Soit Droit fait come eſt deſire*, inveſted it with the 'Title of *Petition of Right*. What expoſitions contrary to that Law 'of Right, have ſome men given to the undermining the liberty of 'the ſubjects, with new invented ſubtil diſtinctions, and aſſuming 'to themſelves a power (I know not where they had it) out of

'Parliament,

16 *Caroli.*

'Parliament, to ſuperſede, annihilate and make void the Laws of the 'Kingdom? The Common-wealth hath been miſerably torn and 'maſſacred, and all Property and Liberty ſhaken, the Church di-'ſtracted, the Goſpel and profeſſors of it perſecuted, and the whole 'Nation over-run with ſwarms of projecting Canker-worms and 'Caterpillars, the worſt of all the *Egyptian* Plagues: Then (as the 'caſe now ſtands with us) I conceive there are two points very 'conſiderable in it. The firſt is, What hath been done any way to 'impeach the liberties of the ſubjects, contrary to the *Petition of 'Right?* The ſecond is, Who have been the Authors and Cauſes 'of it?

'The ſerious examination and diſcuſſion of theſe two queſtions, 'do highly concern his Majeſty in point of honour, and his ſubjects 'in point of Intereſt. And all that I ſhall ſay to it, are but the 'words that *Ezra* uſed to King *Artaxerxes* of the ſettlement of that 'State, which at that time was as much out of frame and order, as 'ours is at this preſent; that which cured theirs, I hope will cure 'ours: his words are theſe, *whoſoever*, ſaith he, *hath not done the 'Laws of God and the King, let Judgement be ſpeedily executed upon 'him, whether it be unto Baniſhment, or to confiſcation of goods, or to 'Impriſonment.* It may be ſome do think this a ſtrange Text, and 'tis poſſible ſome may think it as ſtrange a Caſe: As for the Text, 'every man may read it that will; and for the Caſe, I am afraid 'there are but few here, that do not experimentally know it, as bad 'as I have put it, and how to mend a bad Cauſe, I take it is part of 'the buſineſs we now meet about.

'His Majeſty yeſterday did graciouſly confirm unto us, our great 'and antient Liberties of Freedom of Speech; and having his Kingly 'word for it, I ſhall reſt as confidently upon it, as the greateſt ſe-'curity under Heaven, whileſt I have the honour to have a place 'here, and I ſhall with all humility be bold to expreſs my ſelf like 'a *Free-man.*

'The diſeaſes and diſtempers that now are in our Bodies politick, 'are grown to that height, that they pray for and importune a 'Cure. And his Majeſty, out of his tender care and affection to 'his people, like a Nurſing Father, hath now freely offered himſelf 'to hear our Grievances and Complaints. We cannot complain we 'want good Laws; the wit of man cannot invent better than are al-'ready made: there want only ſome examples, that ſuch as have 'been the Authors and Cauſes of all our miſeries and diſtractions in 'Church and Common-wealth contrary to theſe good Laws, might 'be treacle to expell the poyſon of miſchief out of others.

'But my part is, but *oſtendere partem*; therefore having put the 'Caſe, I muſt leave it to the Judgement of this Houſe, Whether our 'dangers here at home, be not as great and conſiderable, as that 'which was even now preſented?

After him Sr. *Benjamin Rudyard* delivered his ſenſe of the preſent ſtate of affairs, in this manner.

Sr. *Benjamin Rudyard's* Speech.

'THere is a great door opened unto us of doing good, if we take 'the Advantage thereof: We are here met, by the bleſſing of 'God and our King: Parliaments have of late dayes become unfor-'tunate;

An. 1640. 'tunate; it is our duty by our good temper and carriage, to reſtore 'them to their antient Luſtre.

'There be ſome here preſent, who can remember the breaking up 'of the laſt Parliament; a buſineſs certainly from which the Papiſts 'are not exempt, who now by the diſcontinuance of Parliaments, 'are come to that arrogance and boldneſs, that they contend with 'us, who are the better ſubjects. Their Envy I like, but their pre-'ſumption is not to be born. I wiſh them no harm, but good; for 'I deſire their Conviction: and the way to do that, is to ſet up bet-'ter Lights, who have warmth in them, and are not luke-warm in 'Religion. Surely they that quarrel betwixt preaching and prayer, 'and would have them contend, never meant well to either: But 'both muſt have their due. And yet I know not how it comes to paſs, 'but it hapneth to us, which is in no other Religion in the World, 'that a man may be too religious: and many one by that ſcandal, is 'frighted into a deep diſſimulation. It is wiſdom in us, to preſerve 'temper and moderation: for breaking of Parliaments makes dan-'gerous wounds in the body politick; and if the ſplinters be not pul-'led out with a gentle hand, we may hereafter deſpair of Cure.

In 14 *Ed.* 3. Subſidies were given to the King for his expedition 'into *France*, but by the ill Management of his Treaſure here, he was 'ſo low, that he was glad to make Truce with the *French* King.

'In 15 *E.* 3. he returns, and ſummoned a Parliament, wherein 'there was nothing but Jealouſies and diſtempers.

'In 17 *E.* 3. he called another Parliament, to procure an Atone-'ment with his ſubjects, which took good ſucceſs by their humble 'carriage to him, and his willingneſs to ratifie their Liberty, where-'by all breaches were then made up.

'A Parliament is the bed of Reconciliation between King and 'People; and therefore it is fit for us, to lay aſide all exaſperations, 'and carry our ſelves with humility: howbeit the Kings Preroga-'tive may go far, yet if it be ſwayed with Equanimity, it may be 'the better born.

'Princes are, and will be as jealous of their power, as people of 'their liberties; though both are then beſt, when kept within their 'ſeveral Bounds. Levying of Moneys is a great diſturbance to the 'ſubject; and ſo will be the ſcarcity of the Kings Revenues, until 'they be ſupplyed. And where the Power of the King and neceſſity 'meets in one hand, he will not long be diſappointed. But before 'the ending of this Parliament, (the untimely breaking whereof 'would be the breaking of us) I doubt not but his Majeſties Reve-'nues may be ſo ſetled, that he may live plentifully at home and 'abroad: and without taking any thing from his Majeſty, ſave that, 'which of it ſelf would fall away.

'In former Parliaments, the Carriage of ſome have been ſo haugh-'ty, as though Parliaments would laſt alwayes; and the carriage of 'others, as if there would be never any again. And therefore a mo-'deration (if we love our ſelves) is requiſite.

'The Delayes of remedies are well known, how dangerous they 'are to the Common-wealth and Religion, ſeeing during this Vaca-'tion of Parliaments, ſo many diſorders have been committed, by 'Innovations in Religion, Violation of Laws, and intruding upon 'Liberties.

To

16 *Caroli.*

'To ſet all which aright, is now our task: and if in theſe tempting 'provocations we bear a temperate moderation, we ſhall not miſs of 'our end, but ſhall vindicate God in his Religion, the King in his 'Honour, and the Common-wealth in its gaſping Extremities.

'If temper and moderation be not reſpected by us, beware of 'having the Race of Parliaments rooted out.

'Men and Brethren, What ſhall we do? If it were for my life, I 'would deſire nothing more, than that we proceed with moderation, 'that ſo we may have many happy Parliaments, and that no diſmal 'Events may happen to any: for when Parliaments are gone, we 'are loſt.

THe Houſe the next day *April* 17. falling again upon the Debate of Grievances in general, occaſioned by Petitions brought in by the Knights of the Shires, for *Eſſex*, *Suffolk*, *&c.* thereupon ſeveral other Members ſpake their ſenſe; but Mr. *Pym* ſpake more fully than the reſt, to this effect.

Mr. *Pym*'s Speech.

'HE that takes away weights from the Motions, doth as good 'ſervice, as he that adds wings unto them. Theſe weights are 'old grievances. He therefore will do a good work for the King, 'who to expedite his deſigns, will ſet good Rules and Patterns for 'effecting thereof.

'When God made the World, he did it by a Pattern which him-'ſelf had conceived: And *Moſes* did according to the Pattern he ſaw 'in the Mount.

'I ſhall therefore offer you a Model of the Grievances which af-'flict the Common-wealth, and which have diſabled us to admini-'ſter any ſupply, until they be redreſſed, and will ſtill diſable us; 'which Grievances may be reduced to three Heads.

'The Firſt, are thoſe Grievances, which during theſe Eleven 'years interval of Parliaments, are againſt the Liberties and Privi-'ledges of Parliament. 1.

The Second, are Innovations in matters of Religion. 2.

'The Third, Grievances againſt the Propriety of our goods. 3.

'Which Grievances I will firſt propound, and Secondly, Shew 'that the permiſſion of them is as prejudicial to his Majeſty, as to 'the Common-wealth: and Thirdly, I will ſhew what way they 'may be remedied.

'In all theſe, I ſhall take care to maintain, the great Prerogative 'of the King; which is, that *the King can do no wrong.*

'And Firſt, I will begin with the Grievances againſt the Privi-'ledges and Liberties of Parliament. We all know, that the intel-'lectual part, which ought to govern all the reſt, ought to be kept 'from diſtemper; for it is that which purgeth us from all Errors, 'and prevents other miſchiefs for time to come.

'If the underſtanding part be hurt, the mind cannot perform her 'function.

'A

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'A Parliament is that to the Common-wealth, which the Soul is 'to the body, which is only able to apprehend and underſtand the 'ſymptoms of all ſuch diſeaſes, which threaten the Body politick. 'It behoves us therefore, to keep the faculty of that Soul from 'diſtempers.

'I ſhall briefly therefore give you a View of ſuch occurrences, as 'have altered the happy and healthful conſtitution of it: and in the 'firſt place, I muſt remember the breaches of our Liberties and Pri- 'viledges of Parliament, which are,

1. 'Firſt, In that the Speaker the laſt Parliament, (the laſt day of it) 'being commanded to put the queſtion, the Houſe was commanded 'they ſhould not ſpeak. Theſe are conceived to be the grounds of 'whatſoever befell thoſe Gentlemen, which ſo lately ſuffered. 'Tis 'true, the Houſe was commanded to adjourn preſently, yet whilſt 'the Houſe ſate, God forbid we ſhould be barr'd from offering the 'laſt ſighs and groans to his Majeſty.

2. 'Secondly, In that the Parliament was then diſſolved, before our 'Grievances had redreſs, or before we could make our Wills known, 'which is the priviledge of Dying men; and to be heard before con- 'demned, is not denyed to private perſons.

3. 'Thirdly, That the Judges preſume to queſtion the proceedings 'of this Houſe: it is againſt nature and order, that inferiour Courts 'ſhould undertake to regulate ſuperiour. The Court of Parliament 'is a Court of the higheſt Juriſdiction, and cannot be cenſured by 'any other Law or ſentence, but by its own.

4. 'Fourthly, The ſeveral Impriſonments of divers Gentlemen, for 'ſpeaking freely in Parliament.

5. 'Fifthly, That inferiour Courts ſhould be informed to puniſh 'Acts done in this Court, whereby divers members of the Houſe 'were ſo kept in Priſon, till they had put in ſecurity for their good 'behaviour; and ſome of them dyed in Priſon, others not releaſed, 'until Writs came for this Parliament.

6. 'Laſtly, (which I conceive to be the greateſt) That the Parli- 'ament was puniſhed, without being ſuffered to make its own de- 'fence. I call the Diſſolution of the Parliament a puniſhment, and 'juſtly: The breaking of the Parliament, is death to a good 'ſubject.

'But it is to be obſerved, that in this and the other Grievances, 'though the King be no party (for his Highneſſes Prerogative is 'to Do no Wrong) yet moſt of theſe diſtempers of State, ariſe and 'do invade the ſubjects, by means of miſ-informing him: As the 'Celeſtial Bodies of themſelves ſend forth nothing but wholeſome- 'neſs to man; but by the ill diſtemper in inferiour bodies, much 'hurt ariſeth from them.

'The next ſort of Grievances I deliver, are thoſe that concern 'matters of Religion.

'Wherein

'Wherein I will firſt obſerve, the great Encouragement which is 'given to them of the Popiſh Religion, by an univerſal ſuſpenſion 'of all Laws that are againſt them, and ſome of them admitted into 'publick places of truſt and power. *An.* 1640.

'I deſire not to have any new Laws made againſt them (God 'be thanked we have enough) nor a ſtrict execution of the old ones, 'but only ſo far forth, as tends to the ſafety of his Majeſty, and ſuch 'a practice of them, that the Religion that can brook no Corrival, 'may not be the deſtruction of ours, by being too concurrent 'with it.

'There is an Intention of a *Nuncio* from the Pope, who is to be 'here, to give ſecret intelligence to *Rome*, how we incline here, and 'what will be thought fit to win us thither.

'I obſerve as a great Grievance, there are divers Innovations in 'Religion amongſt our ſelves, to make us more capable of a tranſla- 'tion; to which purpoſe Popiſh Books have been publiſht in print, 'and Diſputations of Popiſh Points are, and have been uſed in the 'Univerſities and elſewhere with priviledge, and preached in the 'Pulpit, and maintained for ſound Doctrine, whereby Popiſh Tenets 'are maintained,

'The introducing of Popiſh Ceremonies, as Altars, bowing to- 'wards the Eaſt, Pictures, Croſſes, Crucifixes, and the like, which 'of themſelves conſidered, are as ſo many dry Bones, but being put 'together, make the man. We are not now contented with the old 'Ceremonies, I mean ſuch as the conſtitution of the Reformed Re- 'ligion hath continued unto us: But we muſt introduce again ma- 'ny of thoſe ſuperſtitious and infirm Ceremonies, which accompa- 'nyed the moſt decrepit age of Popery, bowing to the Altar and the 'like.

'I ſhall obſerve the daily diſcouraging of all godly men, who tru- 'ly profeſs the Proteſtant Religion, as though men could be too 'Religious.

'Some things are urged by Eccleſiaſtical men, without any ground 'by any Canon or Article eſtabliſh't, and without any Command 'from the King, either under his Great Seal, or by Proclamation.

'The Parliament ever ſince Queen *Elizabeth*'s time, deſired the 'Biſhops to deal moderately; but how they have anſwered thoſe 'deſires we all know, and theſe good men for the moſt part feel.

'I may not forget, that many of the Miniſters are deprived, for 'refuſing to read the Book for Sports and Recreation upon the Sab- 'bath, which was a device of their own heads: which Book I may 'affirm hath many things faulty in it.

'Then the encroaching upon the Kings Authority by Eccleſiaſtical 'Courts, as namely the *High Commiſſion*; which takes upon it to 'Fine and impriſon men, enforcing them to take the Oath *Ex Officio*, 'with many of the like Uſurpations, which are puniſhments be- 'longing only to Temporal Juriſdiction: And it hath been reſolved 'in the time of King *James*, that the Statute of 1 *Eliz. cap.* 1. gives 'them no ſuch power: moreover the power which they claim, they 'derive not from the King, nor from any Law or Statute; but they 'will immediately have it from Heaven *Jure divino*. Divers parti- 'cular Ordinaries, Chancellors and Arch-Deacons take upon them 'to make and ordain Conſtitutions within their particular Limits:

*An.*1640. 'all theſe things are true to the knowledge of moſt that hear me.
'I now come to the general Head of Grievances, which is the Grie-
'vances belonging to our Goods, and are in Civil matters, the heads
'thereof are too many.

'The taking of *Tonnage* and *Poundage*, and divers other Impoſiti-
'ons, without any Grant or Law for to do ſo, is a great Grievance.

'There are divers antient Cuſtoms due to the King, but they
'are certain what they are, and are due by preſcription: Theſe
'Cuſtoms being too narrow for his ſervice, and the affections
'of the People growing ſtronger and ſtronger to their Prince,
'*Tonnage* and *Poundage* were granted for years to the King; and
'afterwards by this Houſe granted for Lives; but never were taken
'by the Kings own Act without a Parliament; for doing which,
'there is no preſident, unleſs in a year or two in the latter end of
'Queen *Elizabeth*.

'In the next place of theſe Grievances, I rank *Knighthood*, the
'Original whereof was, that perſons fit for Chivalry might be im-
'proved: But this after was ſtretched for another end, for money,
'and extended not only to Terre tenants, but to Leſſees and Merchants,
'who were firſt to appear, and then to plead for themſelves at the
'Council Board; but were delayed from day to day, to their great
'charge and inconvenience: and notwithſtanding the juſt defence
'they have made for themſelves, there have been infinite diſtreſſes
'laid upon them until the Fines were paid, which were impoſed
'not by Courts, but by Commiſſioners aſſigned for that purpoſe:
'and this being a continuing offence, they are by the ſame Rule, as
'lyable now to Fines, as ever.

Monopolies and inundations of them, whereby a burthen is laid
'not only upon foreign, but upon Native Commodities; as Soap,
'Salt, Drink, *&c.* the particulars whereof are fit for the Committee
'of Grievances.

'Fourthly, *Ship-money*; and although there be a Judgement for it,
'yet I dare be bold to ſay it's againſt all former Preſidents and Laws,
'and not one Judgement that ever maintained it. This is a Grie-
'vance that all are grieved at, having no Limits either for time or
'proportion: If therefore any ſhall endeavour to defend this, he
'muſt know, that both his Reputation and Conſcience lye at ſtake in
'the Defence.

'The Enlarging the bounds of the *Foreſt*. Though our Ance-
'ſtors were heretofore queſtioned for the ſame thing, yet upon the
'ſatisfaction of all the objections that were, or could be made,
'they then ſaved themſelves; yet now the ſame things are turned
'upon us.

'The *Sale of publick Nuſances*, for ſo they are pretended to be.
'Many great *Nuſances* have been complained of: But when there hath
'been money given, and Compoſitions made, then they are no more
'*Nuſances*, as Buildings and Depopulations.

Military Charges and Impoſitions upon Counties, by Letters only
'from the Council Table, whereby Soldiers Conduct-money and
'Coats are to be provided at the Countreys charge; and Horſes
'alſo provided without ground or Law; many things in this kind
'being done by Deputy Lieutenants of their own accord.

'*Extra-*

16 *Caroli.*

'*Extrajudicial Judgements* and Impoſitions of the Judges without 'any cauſe before them, whereby they have anticipated the Judge-'ment which is legal and publick, and circumvented one of the 'parties of juſt remedies, in that no Writ of Error lyes, but only 'upon the Judicial proceedings.

'The next ſort of Grievances is, that the great Courts do counte-'nance the oppreſſions, as I may inſtance in the Court of *Star-Cham-'ber* advancing and countenancing of *Monopolies*, which ſhould be 'inſtead of this great Council of the Kingdom; and the *Star-Cham-'ber* now is become a Court of Revenue; Informations there being 'put in againſt Sheriffs, for not making returns of Money upon the 'Writs of *Ship-money*: It was not uſed, that *meum & tuum* ſhould be 'diſputed there.

'The Privy Councellors ſhould be Lights of the Realm: Sure in 'them is the greateſt truſt, and they by *Magna Charta*, are to do Ju-'ſtice (as was urged by one in this Houſe the laſt Parliament) but 'now if theſe Councellors ſhould ſo far deſcend below themſelves, 'as to countenance, nay to plot projects and Monopolies, what ſhall 'we think of this? Surely it is much beneath their dignity: this is 'a great Grievance, but I muſt go higher.

'I know the King hath a tranſcendent power in many Caſes, 'whereby by Proclamation he may prevent and guard againſt ſudden 'accidents: But that this power ſhould be applyed to countenance 'Monopolies (the projectors being not content with their private 'Grants without a Proclamation) is without preſident. But yet I 'muſt go higher than this; It hath been in the Pulpit applyed, and 'alſo publiſhed in Books and Diſputations, aſſerting a power unli-'mited in the King, that he may do what he pleaſeth.

'This Grievance was complained of in the laſt Parliament, in the 'caſe of Dr. *Mainwaring*, who for maintaining that opinion in a Ser-'mon, *That a Subject had no Propriety in his goods, but that all was at 'the Kings pleaſure*, made his ſubmiſſion upon his knees in this 'place; and was then brought ſo low, that I thought he would not 'have leapt ſo ſoon into a Biſhoprick.

'I have by this time wearied you as well as my ſelf; but I am 'come to the laſt Grievance, which is the fountain of all theſe, and 'that is the *Intermiſſions of Parliaments*, whereas by two Statutes 'not repealed nor expired, a Parliament ought to be once in a 'year.

'Theſe Grievances are as prejudicial to his Majeſty, as to the Com-'mon-wealth.

'The Breach of Parliaments is much prejudicial; for by this 'means the great Union and Love, which ſhould be kept and com-'municated betwixt the King and his ſubjects, is interrupted: They 'cannot make known their Petitions, nor the King his Wants, to 'have ſupplies. Where the intercourſe of the ſpirits betwixt the 'head and the members is hindred, the Body proſpers not.

'If Parliaments had been more frequent, the King had had more 'ſupplies.

'By our Grievance in Religion, the Kings party abroad is much 'weakned; and that great part of his Aids abroad do forſake us, is 'for that they think we are forſaking our Religion.

16 Caroli.

'Many of the Kings ſubjects for that they cannot be quiet in things 'indifferent, and know not where they ſhall have an end of them, 'have departed this Land with their Goods, Eſtates and Poſterities.

'The Preferments of men ill deſerving, and neglecting others of 'great Integrity and Merit, hath much weakned and diſcouraged us.

'There are but a few now, that apply themſelves either to do 'well or to deſerve well; finding Flattery and Complyance to be 'the eaſier way to attain their ends and expectations.

'The not obſerving of Laws, but countenancing of Monopolies and 'ſuch like, breed Jealouſies in the minds of many, and may pre- 'pare a way for diſtempers, though (thanks be to God) as yet there 'have been none; our Religion having preſerved us. But if any 'thing but well ſhould happen, one Summers diſtempers would 'breed great change, and more than all unlawful Courſes would 'recompence.

'We know how unfortunate *Henry* III. and other Princes have 'been, by the occaſion of ſuch breaking of their Laws. I pray God 'that we never ſee ſuch times.

'We are not content to multiply Impoſitions upon Merchants 'Goods, which are exported and imported into the Kingdom: But 'now there is a growing miſchief in plotting for an Impoſition upon 'ſuch Goods as never ſee *England*, but are conveyed from *France* to 'Spain, or the like, by *Engliſh* Merchants. A courſe before this time 'never heard of: and ſuch illegal things are badly accounted for to the 'King; whereas Legal things will ſoon be diſcovered, if not ac- 'counted for.

'Beſides, in Monopolies and ſuch like, the third part comes not to 'his Majeſties Coffers, as to inſtance in that of Wines.

'The King hath *Thirty Thouſand Pounds per Annum* upon them, 'where the Wines in the gains by the Patent come to *Eighty Thou- ſand Pounds* at the firſt, from the time of their Arrival: and being 'drawn come to *Two Hundred and Thirty Thouſand Pounds per An- num*; and the ſame proportion holds in all other Monopolies, 'whereby it appears, how much the ſubject is damnified, and how 'little the King gains.

'I come now to the laſt thing, the remedy of theſe Grievances.

'Firſt, I adviſe to preſent them to the Houſe of Peers, that they 'may joyn with us to go to the King, and pray that theſe Grievances 'being clear in fact, may be Voted; if any thing in the Vote be ſtuck 'upon, that it may be debated and drawn according to the courſe of 'the Houſe, into a Remonſtrance, with an humble Petition of both 'Houſes for redreſs. And I hope the Wiſdom of this Houſe will 'prepare ſuch a Remedy, as will make the King a great King, and 'the people happy.

Saturday, April 18.

SAturday, *April* 18. ſpake divers other Members, and thereupon the Houſe Voted, That the proceedings remaining upon Record in the Upper Bench and Court of *Star-Chamber* againſt Sr. *John Elliot*, Mr. *Hollis*, and the impriſoned Members of the Parliament (3 & 4 *Caroli*) ſhould be ſent for, and that it be alſo referred to a Committee to conſider of the Breach of the Priviledge of Parliament; and more particularly, what was done by the Speaker of Parliament, when he refuſed to put the queſtion by the command of the Houſe; the Committee

Committee was ordered to ſtate matter of fact, and to report. *An.* 1640.

They alſo appointed another Committee to collect and diſpoſe the material points of the Grievances mentioned in the ſeveral Petitions, and other grievances of the like nature; And ordered that the Records in the caſe of *Ship Money* which concerned Mr. *Hampden*, ſhould be brought into the Houſe.

Munday April the 20. The buſineſs concerning Sr. *John Finch* in the Parliament 3 *Car.* was preſently examined, and it was Reported by Mr. *Treaſurer* upon Examination, that he did not ſay, *he would not put the Queſtion*, but that he ſaid, *he durſt not put it*. That he left the Chair not to diſobey the Parliament, but to obey his Majeſty. *Munday April* 20.

The Houſe thereupon *reſolved*, that it was a breach of priviledge of the Houſe, for the Speaker not to obey the Commands of the Houſe; and that it appeared the Speaker did adjourn the Houſe by the command of the King, without conſent of the Houſe, which is alſo a breach of the priviledge, it was therefore ordered that this ſhould be preſented to his Majeſty.

It was alſo reported unto the Houſe by Mr. *Glyn* from the grand Committee for Grievances, that *Ship Money* by the Vote of the Committee was preſented to the conſideration of the Houſe as a grievance.

Tueſday April 21. The King ſent a Meſſage to both Houſes, to attend his Majeſty in the *Banquetting-Houſe* at two of the clock this afternoon, and they went accordingly, to whom the *Lord Keeper* ſpake to this purpoſe, the King being preſent. *Tueſday April* 21.

My Lords and Gentlemen,

'YOU may well remember, upon the beginning of this Parliament his Majeſty commanded me, to deliver unto you the 'cauſes of calling of it, which was, for the Aſſiſtance and ſupply of 'his Majeſty in ſo great, weighty, and important affairs, as ever King 'of *England* had to require at his Subjects hands.

'I am now to put you in mind what I then ſaid unto you, and 'withal to let you know, that ſuch and ſo great are his Majeſties occaſions at this time, that if the ſupply be not ſpeedy, it will be of 'no uſe at all: for the Army is now Marching, and doth ſtand his 'Majeſty in at leaſt *one hundred thouſand pounds a month*, and if there 'be not means uſed to go on with this as is fitting, his Majeſties deſign will be loſt; and the charge all caſt away. It is not a great 'and ample ſupply for the perfecting of the work, that his Majeſty 'doth now expect, but it is ſuch a ſupply (as without which) 'the charge will be loſt, and the deſign fruſtrated, being built upon 'thoſe weighty reaſons which tend to the infinite good of the Kingdom, and preſervation of you all.

This done, his Majeſty will give you ſcope and liberty to preſent your juſt grievances unto him, and he will hear them with a 'gracious ear, and give them ſuch an anſwer, as you and all the 'Kingdom ſhall have reaſon to joy therein.

'His

An. 1640.

'His Majeſty taketh notice of one particular, and that is concern-
'ing *Ship-money*; wherein his Majeſty hath commanded me to de-
'clare thus much unto you: Firſt, His Majeſty never had it in
'his Royal heart, to make an annual Revenue of it, nor ever had a
'thought to make the leaſt benefit or profit of it: But whatſoever
'he did or intended in it, it was for the Common good of you all;
'for the honour, glory and ſplendor of this Nation, and that every
'one of us are made ſharers and partakers in the benefits, fruits, and
'ſucceſſes of it, which otherwiſe you would have felt the woes of
'it. He hath been ſo far from making the leaſt benefit of it, that
'he hath expended great Summs of Money out of his own Coffers
'to work with, to thoſe neceſſary ends I have named unto you.

'The Accompts of ſuch Moneys ſo received, have been brought
'to the Council Table, the Moneys delivered to Sir *William Ruſſel*
'the Treaſurer of the *Navy*, and by them all it may appear whether
'there hath been a fulneſs and clearneſs of truth in the diſburſements
'thereof, for the good and ſafety of the Kingdom.

'It is true, his Majeſty had once intended this year not to have ta-
'ken that courſe, but an *Army* which his Majeſty ſo juſt a King for
'the preſervation of the Kingdom hath now taken into Conſidera-
'tion; And I muſt tell you, that his Majeſty prizeth nothing more
'than his honour, and he will not loſe for any earthly thing, his
'honour in the leaſt; They cannot make thoſe expreſſions of love,
'duty and affection to him, which the graciouſneſs of his nature will
'not exceed in.

'Of all his Kingdoms, this ought to be the neareſt and deareſt
'unto him, yet for his Kingdom of *Ireland* the laſt Parliament before
'this, the very ſecond day of the Parliament they gave him ſix Sub-
'ſidies, they relyed upon his gracious words, the ſucceſs was that
'before the end of the Parliament, they had all that they did deſire
'granted, and had it with an advantage. This laſt Parliament there,
'it is well known unto you all, what a cheerful ſupply they have
'given unto his Majeſty, for their hearts went with it; and let it not
'be apprehended, that Subſidies there are of ſmall Value; there is
'not a Subſidy that is granted, but it is worth *fifty or ſixty thouſand*
'*pounds* at the leaſt: Conſider that Kingdom, what proportion it
'holdeth with this of *England*, and you will find, that it is a conſide-
'rable Gift, as hath been given in many years. It hath wrought
'this effect, That certainly his Majeſty will make it apparent to all
'the world, what a good conſtruction, and how graciouſly he doth
'eſteem and interpret this Act of theirs. I have directed hitherto
'my Speech to you that are of the Houſe of Commons; Now I
'ſhall addreſs my ſelf to your Lordſhips.

'It is true, the proper and natural Supply proceeds from the Houſe
'of Commons, yet in aide at this time, his Majeſty hath called you
'hither; and hopeth he ſhall not find the Houſe of Commons back-
'ward to his deſires, nor your Lordſhips to concur with them.

'To you of the Houſe of Commons, I did forget one thing, of an
'Objection that might perhaps be made; That *Tonnage and Poundage*
'is given towards the maintenance of a *Fleet* at Sea, let me tell you,
'that *Tonnage* and *Poundage* was never intended but for ordinary pre-
'ſervation of the Sea, not that that ſhould be to defend the Domi-
'nion of the Narrow Seas, when the Navies of all the Princes of

'Chri-

'Chriſtendom are ſo increaſed as they are. It is fit for his Majeſty '(as things now ſtand) to have ſuch a ſtrength at Sea, as may be 'a terror to others abroad.

'His Majeſty was once reſolved that no *Shipping Writs* ſhould 'have iſſued out this year, but he was enforced for your good, and 'the good of the Kingdom, and for his Honour, upon neceſſary and 'weighty reaſons to ſend forth *Writs*, and thoſe reaſons were theſe.

'It was of neceſſity for his Majeſty to prepare an Army to reduce 'his diſaffected Subjects of *Scotland* to their due Obedience. This 'very year all the Neighbouring Princes are preparing with great '*Fleets* of ſhips, ſo as it is time for his Majeſty to put himſelf into a 'ſtrength that he may be able to preſerve the Dominion of the Nar-'row Seas, without which this Kingdom will be loſt, he not able to 'maintain his right of being the Moderator of the Sea, whereby 'there may be Freedom and Commerce of Trade, which adds ex-'ceedingly to the flouriſhing of this Kingdom. Another reaſon for '*Shipping-Writs* this year is, That thoſe of *Argier* are grown to that 'inſolency, that they are provided of a *Fleet* of ſixty ſail of ſhips, and 'have taken divers ſhips, and one called the *Rebecca* of *London* (well 'known to the Merchants upon the *Exchange*) taken upon the 'Coaſts of *Spain*, worth at the leaſt *two hundred and ſixty thouſand* '*pounds*. And therefore the *Writ* having gone out upon thoſe weighty 'reaſons, before it was poſſible the Parliament could give any ſup-'ply to provide for thoſe things, his Majeſty cannot this year forbear 'it, but he doth expect your Concurrence in the Levying of it for 'the future. I ſhall ſpeak that unto you by his Majeſties Command, 'which may comfort any Engliſh heart; His Majeſty hath no 'thoughts of inriching himſelf by the monies coming in upon theſe '*Writs*; he doth deſire but to live as it behoves a King of *England*, 'able to defend you and this Nation in honour and in luſtre, which 'is famous abroad, and glorious at home, and to live but like ſuch a 'King, as every true Engliſh heart deſireth their King ſhould be.

'Be maſters of your own way, ſettle it ſo ſecure and ſo ſafe, that it 'may never come to the leaſt benefit and advantage to himſelf, but 'for the common good, and thoſe neceſſary ends wherein you ſhall 'all ſhare in your plenty, peace, honour, and whatſoever any En-'gliſh man can glory in.

'His Majeſty commands me to tell you, You ſhall propound no-'thing wherein you may receive all ſecurity for the property of 'your goods, and nothing for ſecuring your own Liberties, where-'in he will not moſt readily liſten unto you; and be as willing to 'grant, as you to ask. His Majeſty doth now offer unto you the 'reaſons, occaſions, and the way to make this the moſt bleſſed 'and moſt happy Parliament that ever was, and that may produce 'ſuch effects, that the King may delight in his people, and the peo-'ple in their King. And he layeth before you not only the Counſel 'to do ſo; but he will tell you the way, and that is by putting an 'obligation of truſt and confidence upon him, which ſhall more ſecure 'you, than all that you can invent; or Fears, or Jealouſies can ima-'gine to be provided for; It is a courſe that good manners, Duty, 'and reaſon ſhould require of you, to take into Conſideration.

Wedneſday

16 *Caroli.*

Wedneſday April 22.

WEdneſday *April* 22. Upon the Report made to the Houſe of the Kings Speech in the Banquetting-houſe yeſterday *Edm. Waller* Eſq; then a member of the Houſe (and of every Parliament ſince that time to the Diſſolution of the Parliament in the year 1678.) ſpake as followeth;

Mr. *Waller's* Speech.

Mr. Speaker,

'I Will uſe no preface as they do who prepare men for ſomething 'in which they have a particular intereſt. I will only propoſe 'what I conceive fit for the Houſe to conſider, and ſhall be no more 'concerned in the Event, than they that ſhall hear me.

'Two things I obſerve in his Majeſties demands, Firſt the Supply. 'Secondly, your ſpeedy diſpatch thereof. Touching the firſt, his 'Majeſties occaſions for money are but too evident; for to ſay no-'thing how we are neglected abroad and diſtracted at home, the 'calling of this Parliament and our ſitting here (an effect, which 'no light cauſe in theſe times hath produced) is enough to make 'any reaſonable man believe, that the Exchequer abounds not ſo 'much in money, as the State doth in occaſions to uſe it, and I hope 'we ſhall appear willing to diſprove thoſe, who have thought to 'diſſwade his Majeſty from this way of Parliaments, as uncertain; 'and to let him ſee it is as ready, and more ſafe for the advancement 'of his affairs, than any new or pretended old way whatſoever. For 'the ſpeedy diſpatch required, which was the ſecond thing; not only 'his Majeſty, but *res ipſa loquitur*, the occaſion ſeems to importune 'no leſs; neceſſity is come upon us like an Armed man.

'The uſe of Parliaments heretofore (as appears by the *Writs* that 'call us hither) was to adviſe with his Majeſty, of things concerning 'the Church and Common-Wealth.

'And it hath ever been the Cuſtome of Parliaments, by good and 'wholeſome Laws to refreſh the Common-Wealth in general; yea 'and to deſcend into the Remedies of particular grievances, before 'any mention made of a Supply. Look back upon the beſt Parlia-'ments, and ſtill you ſhall find, that the laſt Acts are for the free 'gifts of Subſidies on the peoples part, and General Pardons on the 'Kings part: even the wiſeſt Kings have firſt acquainted their Par-'liaments with their deſigns, and the reaſons thereof; and then de-'manded the aſſiſtance both of their Counſel and purſes. But Phy-'ſicians though they be called of the lateſt, muſt not ſtomach it, or 'talk what might have been, but apply themſelves roundly to the 'Cure; let us not ſtand too nicely upon Circumſtances, nor too 'rigidly poſtpone the matter of Supply to the healing of our lighter 'wounds, let's do what poſſibly may be done with reaſon and ho-'neſty on our part, to comply with his Majeſties deſires, and to pre-'vent the imminent Evils that threaten us. But conſider, that they 'who think themſelves already undone, can never apprehend them-'ſelves in danger, and they that have nothing left can never give 'freely; nor ſhall we ever diſcharge the truſt of thoſe that ſent us 'hither, or make them believe that they contribute to their own de-'fence and ſafety, unleſs his Majeſty be pleaſed firſt to reſtore them 'to the propriety of their goods and lawful liberties, whereof they

'eſteem

'eſteem themſelves now out of poſſeſſion. One need not tell you 'the propriety of goods is the mother of Courage and the Nurſe of 'Induſtry; it makes us Valiant in War, and induſtrious in peace; 'the Experience I have of former Parliaments, and my preſent obſer- 'vation of the care the Countrey has had, to chuſe perſons of worth 'and Courage, make me think this Houſe like the *Spartans*, whoſe 'forward Valour required ſome ſofter Muſick to allay and quiet their 'ſpirits, too much moved with the ſound of Martial Inſtruments. 'Tis not the fear of Impriſonment, or (if need be) of Death it ſelf, 'can keep a true-hearted Engliſh man from the care to leave this 'part of his Inheritance as entire to poſterity, as he received it from 'his Anceſtors. *An.* 1640.

'This therefore let us firſt do, and the more ſpeedily, that we may 'come to the matter of Supply. Let us give new force to the old 'Laws, which have been heretofore for the maintaining of our Rights 'and Priviledges, and endeavour to reſtore this Nation to the fun- 'damental and vital Liberties, the propriety of our goods and the 'freedom of our perſons, no way doubting but that we ſhall find 'his Majeſty as gracious and ready as any of his Royal Progenitors 'have been to grant our juſt deſires therein; for not only the people 'do think, but the wiſeſt do know, that what we have ſuffered in 'this long Vacancy of Parliaments, we have ſuffered from his Mi- 'niſters; that the perſon of no King was ever better beloved of his 'people, and yet that no people were ever leſs ſatisfied with the 'preſent wayes of levying moneys. Theſe are two truths which 'may ſerve, the one to demonſtrate the other; for ſuch is the oppo- 'ſition to the preſent courſes, that neither the admiration they have 'of his Majeſties natural inclination to Juſtice and Clemency, nor 'the pretended conſent of the Judges, could make them willingly 'ſubmit themſelves to this late Tax of *Ship-money*, and ſuch is their 'natural Love and juſt eſteem of his Majeſties goodneſs, that no late 'preſſure could provoke them, nor any example invite them to diſ- 'loyalty or diſobedience; but what is it then, that hath bred this 'miſunderſtanding betwixt the King and his People? how is it that 'having ſo good a King, we have ſo much to complain of? Why '*Mr. Speaker*; We are told of the Son of *Solomon*, that he was a 'Prince of a tender heart, and yet by the advice of violent Counſel- 'lors, how rough an anſwer he gave to his people, *that his finger ſhould* '*be as heavy as his Fathers loyns*: this was not his own, but the voice 'of ſome perſons about him that wanted the gravity and moderation 'requiſite for the Counſellors of a young King. I love not to preſs 'Allegories too far, but the Reſemblance of *Jobs* ſtory with ours 'holds ſo well that I cannot but obſerve it unto you. It pleaſed God 'to give his Enemy leave to afflict him more than once or twice, and 'to take all that he had from him, and yet he was not provoked ſo 'much as to Rebel with his tongue (*although he had no very good ex-* '*ample of one that lay very near him*) and felt not half that he ſuffered; 'I hope his Majeſty will imitate God in the benigner part too; he 'was ſevere to *Job* only while he diſcourſed with another concerning 'him; but when he vouchſafed to ſpeak himſelf to him, he began to 'rebuke thoſe who had miſtaken and misjudged his caſe; and to re- 'ſtore the patient man to his former proſperity: ſo now that his Ma- 'jeſty hath admitted us to his preſence, and ſpoken face to face with

An. 1640.

'us, I doubt not but that we we ſhall ſee fairer dayes, be reſtored again 'to the poſſeſſion of our property and liberty, and that his Majeſty will 'frown upon thoſe who have given the ill Counſel.

'I wonder at thoſe that ſeem to doubt the ſucceſs of this Parlia 'ment, or that the miſunderſtanding between the King and his Peo- 'ple ſhould laſt any longer when now they are ſo happily met.

'His Majeſties wants are not ſo great, but that we may find means 'to ſupply him, nor our deſires ſo unreaſonable or incompatible with 'Government, but that his Majeſty might well ſatisfie them: for 'our late Experience I hope will teach us what Rocks to ſhun, and 'how neceſſary the uſe of moderation is; and for his Majeſty, he 'has had experience enough how that proſpers that is gotten without 'the concurrent good will of his People; never more money taken 'from the Subject, never more want in the Exchequer; if we look 'upon what has been paid, it's more than uſually the People of *En- 'gland* were wont to pay in ſuch a time; if we look upon what 'has been effected therewith, it ſhews as if never King had been 'worſe ſupplyed, ſo that we ſeem to have endeavoured the filling of 'a ſive with water; whoſoever gave advice for theſe Courſes, has 'made good the ſaying of the wiſe man, *Qui conturbat domum ſuam 'poſſidebit ventum*; by new wayes they think to accompliſh won- 'ders, but in truth they graſp the wind, and are at the ſame time 'cruel to us and to the King too: for let the Common-wealth flou- "riſh, and then he that hath the Soveraignty can never want, nor do "amiſs; ſo as he govern not according to the intereſt of others, but "go the ſhorteſt and eaſieſt wayes to his own and the common "good.

'The Kings of this Nation have alwayes governed by Parliament, "and if we look upon the ſucceſs of things ſince Parliaments were "laid by, it reſembles that of the *Grecians*, *Ex illo fluere & retro ſub- "lapſa referri Res Danaum*; eſpecially on the Subjects parts; for "though the King hath gotten little, they have loſt all; but his Ma- "jeſty ſhall now hear the truth from us, and we ſhall make appear "the Errours of Divines, who would perſwade us that a Monarch "muſt be abſolute, and that he may do all things *ad Libitum*; rece- "ding not only from their text, (though that be a wandering too) 'but from the way their own profeſſion might teach them, *Stare ſuper "vias antiquas*; and remove not the antient bounds and Land-marks, 'which our Fathers have ſet: if to be abſolute were to be reſtrained 'by no Laws, then can no King in Chriſtendom be ſo; for they all 'ſtand obliged to the Laws Chriſtian, and we ask no more; for to this 'Pillar is our Government fixt; Our Kings at their Coronation ta- 'king a Sacred Oath to ſecure us.

'I am ſorry theſe men take no more care to gain our belief of 'thoſe things which they tell us for our ſouls health, while we 'know them ſo manifeſtly in the wrong in that which concerns the 'liberties and priviledges of the Subjects of *England*: but they gain 'preferment, and then 'tis no matter though they neither believe 'themſelves, nor are believed by others: but ſince they are ſo ready 'to let looſe the Conſciences of their Kings, we are the more care- 'fully to provide for our protection againſt this Pulpit-Law, by de- 'claring and reinforcing the municipal Laws of this Kingdom. It 'is worthy the obſerving how new this opinion, or rather this way

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16 *Caroli.*

'of riſing is, even amongſt themſelves; for Mr. *Hooker*, who was 'no refractory man (as they term it) thinks, *that the firſt Govern-* 'ment was arbitrary, *until it was found that to live by one mans will, be-* 'comes all mens miſeries. Theſe are his words, concluding that 'this was the original of inventing Laws. And if we look further back, 'our Hiſtories will tell us that the Prelates of this Kingdom have of- 'ten been the mediators between the King and his Subjects, to pre- 'ſent and pray redreſs of their grievances, and had reciprocally their 'as much love and reverence from the People, but theſe Preachers '(more active than their Predeceſſors and wiſer than the Laws) 'have found out a better form of Government.

'The King muſt be a more abſolute Monarch than any of his Pre- 'deceſſors, and to them he muſt owe it, though in the mean time 'they hazard the hearts of his People, and involve him into a thou- 'ſand difficulties: for ſuppoſe this form of Government were incon- 'venient, (and yet this is but a ſuppoſition, for theſe five hundred 'years it hath not only maintained us in ſafety, but made us Victori- 'ous over other Nations:) But ſuppoſe they have another Idea of 'one more convenient; We all know how dangerous Innovations 'are, though to the better; and what hazard thoſe Princes muſt 'run, that enterprize the change of a long eſtabliſht Government? 'Now of all our Kings that have gone before, and of all that are to 'ſucceed in this happy race, why ſhould ſo pious and ſo good a King 'be expoſed to this trouble and hazard? beſides that Kings ſo divert 'ed, can never do any great matter abroad.

'But whileſt theſe men have thus bent their wits againſt the Law 'of their Countrey, whether they have neglected their own Pro- 'vince, and what tares are grown up in the field which they ſhould 'have tilled, I leave it to a ſecond conſideration; not but that Religi- 'on ought to be the firſt thing in our purpoſes and deſires, but that 'which is firſt in dignity is not alwayes to precede in order of time: 'For well-being ſuppoſes a being, and the firſt impediment which 'men naturally endeavour to remove, is the want of thoſe things 'without which they cannot ſubſiſt.

'God firſt aſſigned to *Adam* maintenance of life, and gave him a 'title to the reſt of the Creatures, before he appointed him a Law to 'obſerve. And let me tell you, that if our Adverſaries have any 'ſuch deſign, as there is nothing more eaſie than to impoſe Religion 'on a people deprived of their liberties, ſo there is nothing more 'hard than to do the ſame upon Free-men.

'And therefore *Mr. Speaker*, I conclude with this motion, that 'there may be an Order preſently made, that the firſt thing this 'Houſe will conſider of, ſhall be the reſtoring of this Nation in ge- 'neral to the fundamental and vital Liberties, the property of our 'goods, and freedom of our perſons; and that then we will forth- 'with conſider of the Supply deſired.

'And thus ſhall we diſcharge the truſt repoſed in us by thoſe that 'ſent us hither. His Majeſty will ſee that we make more than or- 'dinary haſte to ſatisfie his demands; and we ſhall let all thoſe know 'that ſeek to haſten the matter of Supply, that they will ſo far delay 'it, as they give interruption to the former.

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AFterwards the Houſe proceeded to conſider of Grievances, and a Committee being appointed to conſider of Mr. *Smarts* petition (who was ſentenced in the High Commiſſion at *York*) complaining of Dr. *Couſins* and others, the report was ordered to be made with all expedition.

The Lords deſired a conference with the Commons to meet this afternoon at three of the clock.

A Report was made from the Committee appointed to conſider of the Commiſſion to the Convocation that it was not enrolled nor went forth by order from the Signet or Privy Seal but by an immediate command of his Majeſty, that they found the Dockets of it remaining with the Clerk of the Crown, by which it appears that by this Commiſſion power is given to alter or amend the old conſtitutions and Canons, *&c.*

Thurſday, April 23.

THurſday *April* 23. and *Friday April* 24. was ſpent in the Debate about Grievances and hearing Reports from Committees, whereupon ſeveral votes paſſed which are hereafter particularly mentioned.

Saturday, April 25.

SAturday *April* 25. The Lords deſired a Conference with the Commons, the Subject-matter whereof the Commons conceived to be of a high nature, and ſo adjourned the debate thereof until *Munday* following.

Munday, April 27.

MUnday April 27. *Mr.* Herbert *the Queens Solicitor General Reports the matter of the Conference.*

'That it pleaſed his Majeſty to honour the Lords Houſe ſo much 'as to come thither in perſon, and to make many Gracious expreſſi-'ons; and that he put them in mind, of what had been by my *Lord* '*Keeper* in his Majeſties Name delivered, firſt in the Lords Houſe, 'and after to both Houſes in the *Banquetting-houſe* in *White-Hall*, and 'then he gave us his Royal Word and aſſurance, that he would not 'depart from one tittle of that, which in his Majeſties name had been 'delivered to the Houſe of Commons, but perform it really to the 'utmoſt.

'He gave us to underſtand, that the neceſſity of his affairs was 'ſuch as would bear no delay, and a delay would be as good as a de-'nyal, both in regard of the affairs themſelves, and of the dangers 'that did attend them, as well as of his honour in Foreign States 'which ſo much concerned him to uphold, as he held it as dear as his, 'life, and of as great importance to maintain.

'His Majeſty did think, that in Civility and good Manners, as well 'as neceſſity, it was fit for him to be truſted firſt.

'There muſt be a Truſt, and whether it begin with him or you, 'in the execution the total truſt muſt be in him; the difference is 'but in point of time; though we truſt him in the beginning, yet it 'is but in part, he muſt truſt us in all before the end of this Parlia-'ment.

'It is but a preſent ſupply that he expects at this time, to go on 'with the things in hand, or elſe all the things which hath been told

'us

16 Caroli.

'us will be loſt, and that a very little time delayed will make it im-
'poſſible for my Lords and us, to recover the ſame.

'That the Lords commanded him to tell us of the neceſſity of
'the affairs, and the urgency of the danger of ſomewhat that is late-
'ly come to their knowledge. The War is begun, and the men in
'*Scotland* have pitched their Tents at *Dunce*, and threaten an Invaſi-
'on in *Northumberland*, and have taken ſome of the Troopers of
'Sr. *William Brounkards*, ſo as their intention is plain; beſides the let-
'ter which may ſhew their purpoſe, to put themſelves into the pro-
'tection and Defence of Foreign States.

'The neceſſity is ſuch, that his Majeſty could not transfer the
'Truſt to us, to begin with us, or otherwiſe he would moſt willingly
'let you go on in your own courſe, to begin with redreſs of your
'grievances; but his Majeſties neceſſity requires a preſent ſupply
'for this purpoſe, after which he will let us go on with our Grievan-
'ces, and doth promiſe a Princely and Gracious care, and will re-
'lieve you therein, as far as in Juſtice and Reaſon you can ask.

'His Majeſty did expreſs that he holds nothing ſo glorious, as that
'he is King of a rich and free people, and if he do not ſecure you in
'your Liberties and property of Eſtate, he cannot account you a
'rich and free people, and conſequently himſelf not Glorious: And
'therefore his Majeſty declared, that for thoſe three things Religion,
'Property of Eſtate, and Priviledges of Parliament, he would gra-
'ciouſly liſten unto you,

'For Religion, his heart and his Conſcience doth ſtand with the
'Religion of the Church of *England*, and as he hath lived in it, ſo
'he would dye in it; and no man can be more careful to keep out
'Innovations than his Majeſty will be; and for that purpoſe he
'would lay a great charge upon his Archbiſhops and Biſhops, that
'they ſhould take order accordingly.

'For *Ship-money*, his Majeſty declared, it was never in his thoughts,
'to make the leaſt profit or benefit of it, and that he never did make
'advantage of it. But contrarily had laid out many *thouſand pounds*
'out of his own Treaſury towards that Defence, for which that was
'intended, as many of the Lords can witneſs.

'All his Majeſties care and aim was for the preſervation of your
'ſafety, peace and plenty, and his own honour abroad: That he
'may Reign among you a great and glorious King, as you ought to
'deſire he ſhould: Therefore think you of any other way for the
'guard and preſervation of the Seas, which (conſidering the great
'Naval preparations abroad) doth ſo much import, that he may
'be able to maintain a Navy, whereby he may be Moderator and
'keep Dominion of all the Narrow Seas, without which it is im-
'poſſible for us to ſubſiſt. Keep the Sea which is the way by which
'God hath enabled his Majeſty to protect and defend us; put it into
'what way you will, his Majeſty will joyn with us in it.

'The Lords have taken into conſideration his Majeſties gracious
'expreſſion; we have the Word of a King, and as ſome of the Lords
'were pleaſed to ſay, *not only of a King but a Gentleman*, and they
'would no more be guilty of diſtruſting him, than they would be of
'the higheſt undutifulneſs towards him.

'And upon all theſe conſiderations, though my Lords would not
'meddle with matters of Subſidy, which belong properly and na-

'turally

An. 1640. 'turally to you, no not to give advice therein, but have utterly de-
'clined it; yet being members of one body, Subjects of the ſame
'King, and all concerned in the common ſafety, their duty to his
'Majeſty, and in their zeal and natural love to their Countrey, them-
'ſelves and their Poſterity, they have declared by Vote, that they
'hold it moſt neceſſary and fit that the matter of ſupply ſhould have
'the precedence before any other matter or conſideration whatſoe-
'ver, and therefore deſired a Conference with you, to let you know
'their reaſons for the ſame.

'This taken into conſideration, and done by you, truſting in his Ma-
'jeſties promiſe, (which they hold the greateſt obligation upon him
'and the greateſt ſecurity to your ſelves) they will freely joyn with
'you in all that concerns matter of Religion, property of Eſtate,
'and Priviledge of Parliament. This courſe being followed, their
'Lordſhips are of opinion we ſhall have a moſt happy and bleſſed
'Parliament.

'1. Upon this Report, after long debate, It was *Reſolved* upon the
'Queſtion, That the Priviledges of the Houſe of Commons are vio-
'lated by the matters propounded by the Lords at the laſt Confe-
'rence.

'2. Reſolved that the Lords propounding a ſupply, is a breach of
'Priviledge. And it being referred to a Committee, to prepare
'heads for a Conference to be had with the Lords concerning that
'matter, they were agreed on to this effect:

'That a meſſage be ſent to the Lords, wherein the Houſe deſires a
'Conference with their Lordſhips upon the ſubject matter of the
'Conference on *Saturday* laſt, which they conceive doth intrench up-
'on the Priviledges of the Commons Houſe.

'That at the Conference it being admitted by their Lordſhips,
'that matters of ſubſidy naturally and properly belong to this Houſe,
'and that their Lordſhips would not meddle therewith, or give ad-
'vice therein, but had declined it; the Committee therefore con-
'ceives, that this Houſe ſhall not need to labour therein, or to think
'of Preſidents or reaſons, for the maintaining of this Priviledge.

'That notwithſtanding this Declaration, their Lordſhips meddled
'with, and adviſed concerning both the matter of ſupply and the
'time when, and that before ſuch time as the ſame was moved to
'them by the Commons. It appears by their Lordſhips Declaration
'(*viz.*) that they had Voted, That they held it moſt neceſſary and
'fit the matter of ſupply ſhould have the Precedence before any
'other matter or conſideration whatſoever; and therefore deſired
'that Conference with the Commons to let them know their Lord-
'ſhips reaſons; and that being taken into conſideration and done by
'the Commons, their Lordſhips would freely joyn with them in all
'that concerns matter of Religion, property of Eſtate, and privi-
'ledge of Parliament.

'The courſe the Committee doth offer, for repair of this breach of
'Priviledge is, That their Lordſhips be deſired in their wiſdom to
'find out ſome way of Reparation of their Priviledges for the pre-
'ſent, and of prevention of the like infringement for the future.

'And

16 *Caroli.*

'And whereas the Committee was induced to conceive, that their 'Lordſhips had been informed that the Commons upon debate there- 'of had taken into conſideration the matter of Religion, property of 'Eſtate, and Priviledges of Parliament, and that they mean to let 'the ſame have the precedency before the ſupply, they humbly 'offer that the ſame may be preſented to their Lordſhips in words 'to this effect.

'That in caſe their Lordſhips have taken notice of any Orders, or 'proceedings of the Commons concerning matters of Religion, pro- 'perty of Eſtate and Priviledge of Parliament, that they were to 'have precedency before the ſupply, which they ſeem to conceive by 'theſe words, *That this being done, then their Lordſhips will freely join to 'the avoiding of all miſ-underſtanding between their Lordſhips and the 'Commons for time to come* : They deſire their Lordſhips to take no 'notice of any things which ſhall be debated by the Commons, until 'they ſhall themſelves declare the ſame to their Lordſhips, which 'the Commons will alwayes obſerve towards the proceedings of their 'Lordſhips.

After long debate upon this Report, the Houſe did agree with the Committee, and Reſolved,

'That the Lords Voting the propounding and declaring matter of 'ſupply in ſuch ſort, as was contained in this Report, before it was 'moved from the Houſe of Commons, was a breach of the Privi- 'ledge of the ſaid Houſe. And the Commons at a Conference with 'the Lords (which enſued upon this occaſion) deſired their Lord- 'ſhips in their wiſdom, to find out ſome way for the reparation of 'their Priviledges broken by the matter delivered at the laſt Confe- 'rence, and to prevent the like Infringement for the future, and that 'the Lords would not take notice of any thing which ſhall be de- 'bated by the Commons, until they ſhall themſelves declare the ſame 'to their Lordſhips, which the Commons ſhall alwayes obſerve to 'their Lordſhips proceedings.

And the manager of the Conference much enlarged himſelf upon the ſubject matter contained in the ſaid Report from the Committee, which we here omit, being repeated and anſwered by the Lords at another Conference which was afterwards had upon this occaſion at the deſire of the Lords.

Tueſday, April 28.

Tueſday the 28th. of *April*. The Commons upon further Debate reſolved on theſe particulars following, as heads for a Conference to be had with the Lords.

'Firſt, concerning Innovation in matters of Religion. Secondly, 'Liberty and Property. Thirdly, Priviledge of Parliament.

'Firſt, As to Innovation in matters of Religion: that in this Con- 'ference with the Lords, there ſhall be a Proteſtation and ſaving made 'to preſerve and keep entire the Right of the Commons not to be 'bound by any Canons that are or ſhould be made upon any Com- 'miſſion granted to the Convocation without their conſent in Parli- 'ament; and that there be alſo repreſented to the Lords, the Com-

'plaints

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'plaints ariſing from the ſeveral Petitions brought in by the ſeveral 'Members of the Houſe from divers Counties, againſt Innovations in 'matters of Religion.

'The Complaints which have been made to this houſe for pub-'liſhing of Popiſh Tenets contrary to the Doctrine of the Church 'of *England* in Licenced Books, Arguments and Diſputations.

'The removing of Communion Tables in Pariſh Churches and 'Chapels in the Univerſities, and placing them Altar-wiſe at the Eaſt 'end of the ſame Churches and Chapels cloſe to the Wall.

'The ſetting up of Croſſes, Images, and Crucifixes in Cathedrals 'and Parochial Churches and Chapels in both the *Univerſities*, and 'in divers other places in this Kingdom.

'The refuſing to adminiſter the Sacrament to ſuch, as will not 'come up to the Rails before the Communion Table being ſet Al-'tar wiſe, and Excommunicating ſome for not doing it.

'The making and enjoyning of Articles at Viſitations without any 'other Authority, than that of the Biſhop's of the Dioceſs.

'The moleſting, ſuſpending and depriving of many Godly and 'Conformable Miniſters for not yielding to matters enjoyned with-'out Warrant of Law. And to inſtance in ſuch contained in the 'ſeveral Petitions, as have been deprived for not reading the Book of 'Recreations on the Lords Day.

'The enjoyning to bow to the Altar, and the enquiry of the doing 'and not doing of it.

'Secondly, As to Property of Goods. Reſolved, That one 'head of this Conference ſhall be the Complaints which have been 'made by the Petitions from the ſeveral Counties touching the mul-'titude of *Monopolies* and reſtraint of Trade. Alſo the Complaints 'which have been made by ſeveral Petitions from the Counties, 'touching the grievances of *Ship-Money*.

'The Complaints which have been made by ſeveral Petitions from 'the Counties, of enlarging the *Bounds of Foreſts* beyond what they 'have been for ſome hundreds of years laſt paſt.

'The Complaints which have been made concerning *Military* '*Charges*, *viz.* Coat and Conduct-money, Wages, and Armes taken 'from the owners, forcing the Countrey to buy and provide at their 'charges, Horſes and Carts by way of Tax.

'The Complaints which have been made concerning the *Denial* '*of Juſtice* in the Courts of *Weſtminſter* to the Subjects prejudice in 'point of the property of their Goods.

The frequent *Impriſonments* and Vexations, for non-payment of 'unwarrantable Taxes, and for not ſubmitting to unlawful Monopo-'lies.

'Thirdly, As to the *Liberty* and *Priviledge* of *Parliament*, Reſol-'ved, That one head ſhall be the Complaints that have been made 'touching the puniſhing of men out of Parliament for things done 'in Parliament, in breach of the Priviledges of Parliament.

In

In Pursuance of these Votes, a Conference was accordingly had with the Lords on *Wednesday April* 29. *An.* 1640.

THe first part of which Conference concerning Innovations in matters of Religion, was managed by Mr. *Pym*; the second part as to Property of Goods and against Monopolies and Projects, was managed by Mr. *St. John*; and the third part of the Conference as to the Liberty and Priviledge of Parliament, was managed by Mr. *Holborn*, which held the Lords a long time in hearing.

AFterwards was read in the House,
An Act concerning the Hearing of the Word of God.
An Act for Reformation of Abuses in Elections.
An Act concerning Disposing of Money for Commutation of Penance.
An Act concerning the granting of Letters of Administration, *&c.*

THurſday, *April* 30. the House was turned into Grand Committee concerning *Ship-money*, upon a Report made of that business by Mr. *Maynard*: and the Records where the Judges opinions were entered, were ordered to be sent for. *Thursday, April* 30.

In the midst of this Debate, the Lords sent to the Commons for a Conference, concerning the subject of the former Conference; The House was divided, whether to yield to a present Conference or no: The greater part seeming to be unwilling to be diverted 'from the Debate of the Grand Business of *Ship-money* then under consideration.

It was a full House; for upon the Division, there were for a present Conference 148. and against it 257. the Number in all being 405 Members. 405. Members then present in the House.

This Division of the House fully discovered the temper thereof; for they that were against the present Conference were for Redress of Grievances forthwith, and to postpone supply. But this Dayes Debate produced no Resolution.

FRiday, *May* 1. the Commons gave the Lords a meeting at a Conference, as was desired the day before: the matter of the Conference was thus delivered by the *Lord Keeper*. *Friday, May* 1.

'MY Lords have commanded me to let you know, that the 'desire and care on your part at the last Conference, repre- 'sented unto them for preserving a good Union and Correspondence 'between their Lordships and you, is by them entertained with all 'respect, and requited with all good affection; as that which is the 'best way to bring our Consultations and Resolutions to an happy 'issue, to give his Majesty a dutiful account of our zeal and for- 'wardness in those great and weighty affairs, for which we were 'assembled; and to further those United Proceedings that may 'tend to the happiness of this Kingdom, and the contentment of 'both Houses. The Lord Keeper's Speech.

'Their Lordships well know the great priviledges belonging to 'both Houses of Parliament, of which they and you alike partici- 'pate: and they are not ignorant of those that are distinctly proper

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'to each Houſe: what belongs to you of the Houſe of Commons 'they never had thought to impeach or diminiſh in the leaſt kind; 'and what they may juſtly challenge to themſelves, they preſume 'you will not attempt upon, ſince you cannot doubt but they will be 'as tender of their Honour in the preſervation and upholding of 'their own, as they are and ſhall be careful not to invade or violate 'any of yours.

'This (their Lordſhips commanded me to tell you) will beſt 'and moſt clearly appear, by the Courſe hath been held in their own 'Houſe, and by their proceedings with you.

'Their Lordſhips (as in Duty and affection to his Majeſties 'Crown and Government they are bound) took into ſerious Conſi- 'deration, the great and weighty motives of his Majeſties calling 'us together at this time, the great Evils and Calamities that hang 'over our Heads, and the apparent danger this Kingdom is like to 'run into, if by ſpeedy and fitting ſupply his Majeſty be not enabled 'to prevent it.

'Theſe with Reaſons inforcing, how unſupportable Delay and 'Protraction was, and how impoſſible it is for both Houſes to re- 'cover the loſs of time, in a matter of ſo urging and preſſing Conſe- 'quence, whereby his Majeſties Command delivered to their Lord- 'ſhips and you both in the Lords Houſe and in the *Banquetting Houſe* 'at *White-Hall*, his Majeſty being preſent;

'His Majeſty I ſay at both thoſe times, expreſſed his gracious and 'Princely deſire to do all that from a juſt and a gracious King might 'be expected, whereby this Parliament might have an happy and 'bleſſed concluſion, to bring Joy and Conſolation to his Majeſty and 'all his ſubjects. He told you, that all your juſt Grievances ſhould 'be graciouſly heard and relieved; that he would therein let you be 'at no loſs of time.

'Their Lordſhips were Witneſſes, that his Majeſty gave *his Royal* '*Word* herein, and for their parts lodge it in their hearts with as 'much truſt and confidence of his Majeſties Royal performance, as 'ever ſubjects did.

'Not long after, his Majeſty was pleaſed to honour the Lords 'Houſe with his preſence again, to renew their Remembrance of 'all that before had been delivered to both Houſes, both for the ne- 'ceſſity of the Supply deſired, with an impoſſibility of admitting 'delay, and the clearneſs of his Majeſties intention and reſolutions 'to give all juſt ſatisfaction, to what with reaſon could be deſired 'of him.

'His Majeſty then took notice to their Lordſhips of ſomewhat 'that had been Voted in your Houſe concerning Religion, Property 'of Goods, and Liberty of Parliament, whereby his Majeſty con- 'ceived the matter of his Supplies ſet aſide, *which he had ſo often* 'and with ſuch weight of Reaſon deſired might have precedence, 'after very gracious aſſurances to their Lordſhips of his Majeſties 'conſtant affection and zeal for the true Religion, for preventing 'all Innovation therein, of his ſo often iterated promiſe to give a 'gracious Ear and juſt Relief to all your juſt Grievances, expreſſing 'his Royal Intentions in that of *Ship-money*, which he found ſo much 'ſtood upon. He was pleaſed to deſire their Lordſhips, (as perſons 'in their Ranks and Degrees neareſt to him in Honour, as much and

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'more concerned than others, and in the ſafety and proſperity of his 'Kingdom, at leaſt equally intereſſed with the reſt of his ſubjects) in 'a caſe of this great and important weight.

'They would by their counſel and perſwaſion, incline you of the 'Houſe of Commons to give his Majeſty a ſpeedy anſwer and reſo- 'lution in the matter of ſupply.

'Their Lordſhips took his Majeſties Deſire into ſerious and duti- 'ful conſideration, and after a great and ſolemn Debate, they re- 'ſolved, that their opinion was, *That the matter of his Majeſties ſupply 'ſhould have precedency, and be reſolved of before any other matter 'whatſoever*; and did think fit, there ſhould be a conference deſired 'with you of the Houſe of Commons, to diſpoſe you thereunto. 'And this was all they then Voted or concluded, with which other 'Conference their Lordſhips acquainted you: This as it was juſt and 'honourable for them to do, ſo it neither extended the Bounds and 'Limits of their own priviledge, nor narrowed or ſtraitned any of 'yours. And yet at the laſt Conference which their Lordſhips are 'apt and willing to believe, proceeded rather from ſome miſtaking 'than any intenſion to leſſen their, or enlarge your own pri- 'viledges.

'It was urged in your name, that the Voting of this was a breach 'of your priviledge, and that therein their Lordſhips had been tran- 'ſported beyond their grounds, which they had ſet to themſelves: 'becauſe in their former Conference their Lordſhips had admitted, 'that matter of ſupply ought to be given in the Houſe of Com- 'mons, as naturally belonging to that Houſe, and wherein their 'Lordſhips would not meddle, no not ſo much as to give advice: 'And yet by Voting what they did, had not only medled in matter 'of ſupply, but as far as in their Lordſhips lay, had concluded both 'of matter and order of proceeding, for which you demanded Re- 'paration from their Lordſhips: Wherein I'm commanded by their 'Lordſhips to let you know, that they have neither varied nor been 'tranſported from their own grounds, nor Voted any thing contra- 'ry to your rights and priviledges, or to that admitting of them at 'that Conference, which is pretended. For their Lordſhips did 'and I do admit, that the Bill of Subſidies ought to have its Inception 'and beginning in your Houſe, that when it comes up to their Lord- 'ſhips, and is by them agreed unto, it muſt be returned back to 'you, and be by your Speaker preſented.

'And therefore as they do diſclaim any thought or Intention of 'ſuch beginning in their Houſe, ſo they did at their Debate and 'Conference with you, diſclaim to meddle with the matter of Sub- 'ſidies or Supplies; that is by naming the Time or Number, or 'any ſuch Circumſtances incident to the Bill, which ought to begin 'with you, or therein to give you any the leaſt advice, but to con- 'fer and talk with you about Supplies in general.

'Their advice therein they do not, nor ever did hold derogatory 'to yours, or exceeding the priviledges of their own Houſe: for as 'you frequently impart your Grievances to them, ſo it's all the rea- 'ſon in the world they ſhould communicate their fears and fore- 'ſights of Dangers to you, their Lordſhips being a Body that moveth 'in an Orb nearer unto the Royal Throne than you do, and there- 'by the likelier to communicate in the Counſels and Secrets of

An. 1640. 'State, and for their Perſons and Fortunes, at leaſt as conſiderable 'in point of Danger.

'Their Lordſhips are not unacquainted with that Eſtabliſhment 'in Parliament, which was by you at the Conference ſtyled, *The 'Indempnity of the Commons:* but it is indeed the *Indempnity* of the 'Lords and Commons, and ſo ſtyled in the Record it ſelf, by that 'Record made at *Gloceſter* 9 *H.* 4.

'It appears there was a Conference between the Lords and Com- 'mons, about the State of the Realm and Defence of it, after which 'the King demanded of the Lords, What Aid was fit to be granted? 'they ſaid a Tenth and an half in Cities and Boroughs, and one Fifth 'and a half of others, and a Subſidy of *Tonnage* and *Poundage* for 'two years.

'Upon which, the King ſent to the Commons to ſend up to him 'and the Lords, twelve of their company; when they came, it was 'by the Kings Command declared, what had been of the King de- 'manded of the Lords, and what the Lords anſwer thereunto was '(which the King willed them to report to their Companions, that 'they might with better ſpeed conform themſelves to the intention of 'the Lords.)

'This indeed the Commons were troubled at, as being a great 'Derogation to their Liberties; whereupon to prevent for the fu- 'ture any thing that might turn to the prejudice of their Liberty, 'or againſt the Liberty of the Lords, It was eſtabliſhed, *That it 'ſhould alwayes be lawful for the Lords to commune among themſelves in 'the Kings abſence of the State of the Realm, and the Remedies need- 'ful; and ſo for the Commons among themſelves. Provided alwayes, 'that neither the Lords or Commons report to the King any things granted 'by the Commons and aſſented to by the Lords, nor the Communication of 'it, before the Lords and Commons be agreed,* and then be repreſented '(as the manner is) by the Speaker of the Houſe of Commons.

'This is the ſubſtance of that Eſtabliſhment, which only hath re- 'lation to the manner of preſenting Subſidies and Aids to the King, 'and giving him knowledge of them. And as it hath not one word 'that barrs the Lords and Commons from conferring about them; 'ſo it plainly declares, that Lords and Commons in their ſeveral 'houſes, may equally treat amongſt themſelves of the Dangers the 'Kingdom is in, and of the way to remedy them: and this my 'Lords have well weighed, and are ſatisfied verifies their proceedings 'to have been according to antient uſage and cuſtome, as they are 'grounded upon juſt and weighty reaſons.

'Many other Reaſons their Lordſhips have, to juſtifie their pro- 'ceedings in this particular: but they conceive this Record alone 'mentioned by your ſelf, will give you herein abundant ſatisfacti- 'on, and plainly ſhew, that the Houſe of Commons had no cauſe to 'demand Reparation herein from their Lordſhips.

'A ſecond thing objected, wherein their Lordſhips have been 'ſaid to have broke another great priviledge of the Houſe of Com- 'mons eſtabliſhed by that Ordinance which I have mentioned be- 'fore, is, that their Lordſhips have taken notice of ſome proce- 'dings in the Houſe of Commons, concerning three particulars, 'viz. Religion, Propriety of Goods, and Priviledge of Parliament. To 'which their Lordſhips have commanded me to give you this juſt 'and honourable anſwer.

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'His Majeſty told their Lordſhips you had reſolved ſomething 'concerning theſe three heads, and by that way of proceeding pre-'ferred the grievances before the matter of ſupply. How his Majeſty 'knew that you had ſo reſolved, belongs not to their Lordſhips to en-'quire into, *their Lordſhips not meddling* with any thing that others 'ſaid to the King. But withal his Majeſty ſaid to their Lordſhips, 'and for their Lordſhips to hear what *his Majeſty declared to them*, and 'for them thereupon to report the ſame to the Houſe of Commons, 'their Lordſhips are ſo far from holding it any diminution, or vi-'olation of your priviledges, that on the contrary in Duty to his Ma-'jeſty they could do no other, and the communicating it to you in 'that manner, they think rather merits your opinion and belief of 'their affections to you, and deſire of Correſpondence with you, 'than any other miſconſtruction whatſoever.

'And that which you called the *Indempnity of the Commons*, hath 'no word in it that can be conſtrued to make that any breach of your 'priviledge; and therefore their Lordſhips having thus cleared and 'juſtified their own proceedings, and freed themſelves from any Im-'putation of invading your Liberties, they cannot but return to their 'firſt grounds and reſolution, which were in all fair and affectionate 'manner, to ſtir up in you the juſt conſideration of thoſe great and 'eminent dangers that threaten this Kingdom at this time, and how 'dangerous and irrecoverable delay is. And withal to diſpoſe you 'to take into your firſt and beſt thoughts the matter of his Majeſties 'Supply, and give him a ſpeedy anſwer therein.

'This their Lordſhips are confident, will be the means to preſerve 'and continue a good union and underſtanding between their Lord-'ſhips and you, to make this a happy Parliament, and to avert the 'publick calamities, that menace the ruine and overthrow of this fa-'mous and renowned Monarchy.

Saturday May 2. Sir *Henry Vane* Treaſurer of the Kings Houſhold delivered this meſſage from the King.

Saturday, May 2.

THat his Majeſty hath by divers and ſundry wayes acquainted the Houſe with the urgent danger, inevitably to fall upon the whole State, upon his own honour, and the honour of the Nation if more time ſhall be loſt.

That nevertheleſs his Majeſty hath received no anſwer at all, though heretofore his Majeſty had told the Houſe that a Delay in this caſe is as deſtructive as a Denyal; *and doth again deſire them to give him a preſent anſwer concerning his ſupply, his Majeſty being ſtill reſolved on his part, to make good his promiſe made by himſelf and the Lord Keeper.*

Upon the delivery of this Meſſage, the Houſe of Commons immediately turned themſelves into a Grand Committee to take the ſame into conſideration, which held debate till almoſt ſix at night, but came to no reſolution, *William Lenthall* Eſq; being in the Chair.

Likewiſe the Houſe of Commons continued the Debate in a Grand Committee, Whether Supply or Grievances ſhould have precedency? but after the whole day was ſpent in Debate, came to no reſolution.

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May 4. Sir *Henry Vane* delivered a ſecond Meſſage to the Houſe of Commons in theſe words.

Munday, May 4.

WHereas, upon Saturday *laſt his Majeſty was pleaſed to ſend a Meſſage to this Houſe, deſiring you to give a preſent anſwer concerning his Supply, to which as yet his Majeſty hath had no other anſwer, but that upon this day you will again take it into further conſideration: Therefore his Majeſty (the better to facilitate your Reſolutions) this day hath thought fit to let you know, that of his Grace and favour he is pleaſed, upon your granting twelve Subſidies to be preſently paſſed and to be paid in three years, with a proviſo, that it ſhall not determine the Seſſions, his Majeſty will not only for the preſent forbear the levying of any* Ship Money, *but will give way to the utter aboliſhing of it, by any courſe that your ſelves ſhall like beſt.*

And for your Grievances, his Majeſty will (according to his Royal promiſe) give you as much time as may be now, and the next Michaelmas; *and he expects a preſent and poſitive anſwer upon which he may rely, his affairs being in ſuch a condition as can endure no longer delay.*

The Houſe was turned again into a Grand Committee, and ſpent the whole day till ſix at night in debate of this meſſage, but came to no reſolution, and deſired Sir *Henry Vane* to acquaint his Majeſty that they intended the next day to proceed in the further conſideration thereof.

Tueſday, May 5.

TUeſday the fifth of *May*, Secretary *Windebanke* went early to Mr. *Speaker* at his houſe in *Chancery* Lane, and had a command to bring the *Speaker* to *White-Hall.* The Commons met at the uſual hour, and the *Speaker* not coming according to his wonted cuſtom, the members concluded the Houſe ſhould be diſſolved, and while they were diſcourſing with one another, about eleven of the Clock *James Maxwel* Gentleman Uſher came with the black rod, to let the Commons know his Majeſty was in the Houſe of Lords, and expected their coming thither. When they were come his Majeſty thus ſpake.

The Kings Speech.

My Lords,

THere can no occaſion of my coming to this Houſe be ſo unpleaſing unto me as this at this time. The fear of doing that which I am to do this day, made me not long ſince come into this Houſe, where I expreſt as well my fears as the remedy which I thought neceſſary for the eſchewing of what is to follow.

I muſt confeſs and acknowledge that you my Lords of the higher houſe did give me ſo willing an ear, and with ſuch an affection did ſhew your ſelves, that certainly I may ſay, that if there had been any means to have given an happy end to this Parliament, you took it, ſo that it was neither your Lordſhips fault nor mine, that it is not ſo. Therefore in the firſt place I muſt thank you my Lords for your good endeavours.

My Lords, *I hope you remember what the firſt day of the Parliament my* Lord Keeper *ſaid to you in my name, and what likewiſe he ſaid in the* Ban-

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Banquetting Houſe *in* White-Hall, *and what lately I ſaid unto you in this place my ſelf. I name all this unto you, not doubting that you do not well remember it, but to ſhew you that I never ſaid any thing in way of Favour to my people, but (by the Grace of God) I will punctually and really perform it.*

I know that they have inſiſted very much on Grievances; *I will not ſay but there may be ſome, though I will confidently affirm, that there are not by many degrees ſo many as the publick voice doth make them. Wherefore I deſire you to take notice, now eſpecially at this time, that out of Parliament I ſhall be as ready (if not more willing) to hear and redreſs any juſt* Grievances, *as in Parliament.*

There is one thing much ſpoken of, I mean as to matters of Religion. *Concerning which, albeit I expreſſed my ſelf fully the laſt day in this place, yet I think it fit again on this occaſion to tell you, that as I am concerned, ſo I ſhall be moſt careful to preſerve that purity of* Religion *which I thank* God *is ſo well eſtabliſhed in the Church of* England, *and that as well out of, as in Parliament.*

My Lords, *I ſhall not trouble you long with words, it being not my faſhion; wherefore to conclude, what I offered the laſt day to the Houſe of Commons, I think it is very well known to you all; as likewiſe how they accepted it, which I deſire not to remember, but wiſh they had remembred, how at firſt they were told by my* Lord Keeper, *that delay was the worſt kind of denyal; yet I will not lay this fault on the whole Houſe of Commons; I will not judge ſo uncharitably of thoſe whom for the moſt part I take to be Loyal and well-affected Subjects, but it hath been the malicious cunning of ſome few ſeditiouſly affected men that hath been the cauſe of this miſunderſtanding.*

I ſhall now end as I have begun, in giving you thanks for your affections ſhewn to me at this time, deſiring you to go on and aſſiſt me in the maintaining of that Regal power that is truly mine. As for the liberty of the people, that they now ſo much ſtartle at; know my Lords, that no King in the world ſhall be more careful in the propriety of their Goods, liberty of their Perſons, and true Religion, than I ſhall.

And now my Lord Keeper *do as I have commanded you.*

The Lord Keeper *then added,*

'MY Lords, and you the Gentlemen of the Houſe of Commons, 'The Kings Majeſty doth diſſolve this Parliament.

Soon after his Majeſty cauſed the aforeſaid proceedings to be comprized in a Treatiſe, and publiſhed in his name by way of Declaration.

A Ca-

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A Catalogue of the Lords Spiritual and Temporal ſummoned by the King's Writ to appear in Parliament appointed to meet at Weſtminſter *the thirteenth of* April 1640.

KING *Charles.*
Prince *Charles.*
James Duke of *York.*

Dukes.

George Villiers, Duke, Marqueſſe, and Earl of *Buckingham*, and *Coventry*, Viſcount *Villiers*, Baron of *Whodden, infra ætatem.*

Marqueſſes.

John Pawlet Marqueſs of *Winchester*, Earl of *Wiltſhire*, and Lord St. *John* of *Baſing.*

Earles.

Thomas Howard Earl of *Arundel* and *Surrey*, Earl Marſhal of *England* and Knight of the Garter.
Awbery Vere, Earl of *Oxford, &c.*
Algernon Percy, Earl of *Northumberland*, Lord *Poynings*, *Fitzpayn*, and *Brian*, Knight of the Garter, Lord High Admiral.
George Talbot, Earl of *Shrewſbury*, Lord *Talbot*, *Furnival*, *Verdon*, and *Strange* of *Blackmere.*
Anthony Gray Earl of *Kent*, Lord *Ruthin.*
William Stanley Earl of *Derby*, Lord *Stanley*, *Strange* of *Knocking*, and of the Iſle of *Man*, Knight of the Garter.
Henry Somerſet Earl of *Worceſter*, Lord *Herbert Ragland* and *Gower.*
George Manners Earl of *Rutland*, Lord *Roſs* of *Hamelake*, *Belvoir* and *Trusbut.*
Francis Clifford Earl of *Cumberland*, Lord *Clifford*, *Weſtmerland* and *Veſey.*
Edward Ratcliffe Earl of *Suſſex*, Viſcount *Fitz-walter*, Lord *Egremont* and *Burnel.*
Henry Haſtings Earl of *Huntington*, Lord *Haſtings*, *Hungerford*, *Botreaux Moeles*, and *Molyns.*
Henry Bourchier Earl of *Bath*, and Lord *Fitz-Warin.*
Tho. Wriothſley Earl of *Southampton*, and Baron *Wriothſley* of *Tichfield.*
Francis Ruſſel Earl of *Bedford* and Lord *Ruſſel.*
Philip Herbert Earl of *Pembroke* and *Montgomery*, Baron *Herbert* of *Cardiffe* and *Shirland*, Lord *Parre* and *Roſs* of *Kendal*, *Marmion*, and St. *Quinton*, Lord Chamberlain of his Majeſties houſhold and Knight of the Garter.
William Seymour Earl of *Hartford*, and Baron *Beauchamp.*
Robert Devereux Earl of *Eſſex*, Viſcount *Hereford* and *Bourchier*, Lord *Ferrers* of *Chartley*, *Bourchier* and *Lovain.*
Theophilus Fyne Earl of *Lincoln* and Lord *Clinton.*
Charles Howard Earl of *Nottingham*, and Lord *Howard* of *Effingham.*

Earles made ſince the firſt of King James.

Theophilus Howard Earl of *Suffolk*, Lord *Howard* of *Walden*, and Knight of the Garter.
Edward Sackvile Earl of *Dorſet* and Baron *Buckhurſt*, Knight of the Garter, and Lord Chamberlain to the Queens Majeſty.
William Cecil Earl of *Salisbury*, Viſcount *Gramborne* and Baron *Cecil*

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Cecil of *Eſſinden*, Knight of the Garter.

William Cecil Earl of *Exeter*, Baron *Burgeley*, Knight of the Garter.

Robert Carre Earl of *Somerſet*, Viſcount *Rocheſter* and Baron of *Branſpath*, Knight of the Garter.

John Egerton Earl of *Bridgwater*, Viſcount *Brackley*, and Baron *Elleſmere*, Lord Preſident of *Wales*.

Robert Sidney Earl of *Leiceſter*, Viſcount *Liſle*, Baron *Sidney* of *Fenhurſt*.

Spencer Compton Earl of *Northampton*, Baron *Compton* of *Compton*.

Robert Rich Earl of *Warwick*, and Lord *Rich* of *Leeze*.

William Cavendiſh Earl of *Devonſhire* and Baron *Cavendiſh* of *Hardvicke infra ætatem*.

James Hamilton Earl of *Cambridge*, Marqueſs of *Hamilton*, Earl of *Arran*, Baron of *Even* and *Aberbroth*, Maſter of the Horſe to his Majeſty, Knight of the Garter.

James Stuart Earl of *March*, Duke of *Lenox*, Lord *Aubigny*, Baron of *Leighton Bromeſwold*, Lord *Darnley*, *Mertiven*, and St. *Andrews*, Knight of the Garter.

James Hay Earl of *Carliſle*, Viſcount *Doncaſter*, Lord *Hay* of *Sauley*.

William Fielding Earl of *Denbigh*, Viſcount *Fielding*, and Baron of *Newnhampadox*.

John Digby Earl of *Briſtol*, and Baron *Digby* of *Shirborne*.

Lionell Cranfield Earl of *Middleſex*, and Baron *Cranfield* of *Cranfield*.

Charles Villiers Earl of *Angleſey*, Lord *Daventry*, *infra ætatem*.

Henry Rich Earl of *Holland*, Baron *Kenſington* of *Kenſington*, and Knight of the Garter.

John Hollis Earl of *Clare*, Lord *Houghton* of *Houghton*.

Oliver St. John Earl of *Bellingbrook*, Lord *St. John* of *Bletſo*.

Mildmay Fane Earl of *Weſtmerland*, Lord *le Deſpencer* and *Burghwaſh*.

Earles made ſince the firſt of King Charles.

Henry Montague Earl *of Mancheſter*, Viſcount *Mandevile*, and Lord *Kimbolton*, Lord Privy Seal.

Thomas Howard Earl of *Barkſhire*, Viſcount *Andover*, and Lord *Charleton*, Knight of the Garter.

Thomas Wentworth Earl of *Cleveland*, Lord *Wentworth* of *Nettleſted*.

Edmond Sheffield Earl of *Mulgrave*, Lord *Sheffield* of *Butterwike*, and Knight of the Garter.

Henry Danvers Earl of *Danby*, Lord *Danvers* of *Dantſy*, Knight of the Garter.

Robert Cary Earl of *Monmouth*, Lord *Cary* of *Lepington*.

James Ley Earl of *Marleburgh*, and Lord *Ley* of *Ley*.

John Savage Earl *Rivers*, Viſcount *Colcheſter*, and *Rock Savage*, and Lord *Darcy* of *Chich*.

Robert Bartue Earl of *Lindſey*, and Lord *Willoughby* of *Eresby*, Lord great Chamberlain, Knight of the Garter.

William Cavendiſh Earl of *Newcaſtle*, Viſcount *Mansfield*, Lord *Boulſover* and *Ogle*.

Henry Cary Earl of *Dover*, Viſcount *Rochford* and Lord *Hunſdon*.

John Mordant Earl of *Peterborough*, Lord *Mordant* of *Turvey*.

Henry Gray Earl of *Standford*, Lord *Gray* of *Groby*, *Bonvile* and *Harrington*.

Thomas Finch Earl of *Winchelſey* and Viſcount *Maidſtone*.

Robert Perpoint Earl of *Kingſton* upon *Hull*, Viſcount *Newark*

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upon *Trent*, and Lord *Perpoint* of *Holmes Perpoint*.
Robert Dormere Earl of *Carnarvan*, Viſcount *Aſcot*, and Lord *Dormere* of *Wing*.
Mount-joy Blunt Earl of *Newport*, Lord *Mount-joy* of *Thurveſton*.
Philip Stanhop Earl of *Cheſterfield*, and Lord *Stanhop* of *Shelford*.
Nicholas Tuffton Earl of the Iſle of *Thanet*, and Lord *Tuffton* of *Tuffton*.
Ulicke de Burgh Earl of St. *Albans*, and *Clanrickard*, Viſcount *Tunbridge* and *Galloway*, Baron of *Somerhil*, and *Imanney*.
Jerome Weſton Earl of *Portland*, Lord *Weſton of* Neyland.
Thomas Wentworth Earl of *Strafford*, Viſcount *Wentworth*, Baron *Wentworth* of *Wentworth Woodhouſe*, *New-march* and *Overſley*, *Raby*, Lord Lieutenant of the Realm of *Ireland*.

Viſcounts.

Francis Brown Viſcount *Mountague* of *Cowdrey*.

Viſcounts made by King James.

John Villiers Viſcount *Purbeck*, Lord of *Stoke*.
William Fines Viſcount *Sey* and *Seal*, Lord *Sey* and *Seal*.

Viſcounts made by King Charles.

Edward Conway, Viſcount *Conway* and *Killultagh*, and Baron *Conway* of *Ragley*.
Edward Noel Viſcount *Camden* and *Baron Noel* of *Ridlington*.

Biſhops.

William Laud Archbiſhop of *Canterbury* his Grace.
Richard Neile Archbiſhop of *York* his Grace.
William Juxton Biſhop of *London* and Lord high Treaſurer of *England*.
Thomas Morton Biſhop of *Durham*.
Walter Curle Biſhop of *Wincheſter*.
John Thornburgh B. of *Worceſter*.
John Bridgeman B. of *Cheſter*.
John Williams B. of *Lincoln*.
John Davenant B. of *Salisbury*.
Robert Wright B. of *Coventry* and *Lichfield*.
Godfrey Goodman B. of *Glouceſter*.
Joſeph Hall B. of *Exceter*.
Richard Mountague B. of *Norwich*.
Barnabas Potter B. of *Carliſle*.
John Owen B. of St. *Aſaph*.
William Pierce Biſhop of *Bath* and *Wells*.
John Bancroft B. of *Oxford*.
George Coke B. of *Hereford*.
Matthew Wren B. of *Ely* Dean of his Majeſties Chapel Royal.
Roger Manwaring B. of St. *Davids*.
Robert Skinner B. of *Briſtol*.
William Roberts B. of *Bangor*.
John Warner B. of *Rocheſter*.
Brian Duppa B. of *Chicheſter*.
John Towers B. of *Peterburgh*.
Morgan Owen B. of *Landaffe*.

Barons.

Henry Howard Lord *Moubray* and *Maltravers*.
Henry Clifford Lord *Clifford*, only Son of *Francis* Earl of *Cumberland*.
Henry Nevil Lord *Abergavenny*.
James Tenchet Lord *Awdeley* of *Highleigh*.
James Stanley Lord *Strange*, eldeſt Son of *William* Earl of *Derby*.
Charles Weſt Lord *Delaware*, *infra ætatem*.
George Berkley Lord *Berkley* of *Berkley* Caſtle.
Henry Parker Lord *Morley* and *Monteagle*.
Richard Lemcard Lord *Dacres* of *Hurſtmoſeux*.
Edward Sutton Lord *Dudley* of *Dudley* Caſtle.

Edward

Edward Stourton Lord *Stourton* of *Stourton.*
Edward Vaux Lord *Vaux* of *Harrowden.*
Thomas Windſor Lord *Windſor* of *Bradenham.*
Thomas Cromwel Lord *Cromwel* of *Ockham.*
William Eure Lord *Eure* of *Whitton.*
Philip Wharton Lord *Wharton* of *Wharton.*
William Willoughby Lord *Willoughby* of *Parham.*
William Paget Lord *Paget* of *Beaudefert.*
Dudley North Lord *North* of *Carthlage.*
George Brudges Lord *Shandos* of *Sudley.*

Barons made by King James.

William Peter Lord *Peter* of *Writtel.*
Dutton Gerrard Lord *Gerrard* of *Gerrards Bromley.*
William Spencer Lord *Spencer* of *Wormleighton.*
Charles Stanhope Lord *Stanhope* of *Harrington.*
Tho. Arundel Lord *Arundel* of *Wardour.*
Chriſtopher Roper Lord *Tenham* of *Tenham, infra ætatem.*
Edward Mountague Lord *Mountague* of *Kimbolton*, eldeſt Son of *Henry* Earl of *Mancheſter.*
Baſil Fielding Lord of *Newnham Paddochs*, Eldeſt Son of *William* Earl of *Denbigh.*
Robert Grevil Lord *Brook* of *Beaucham* Court.
Edward Mountague Lord *Mountague* of *Boughton.*
William Gray Lord *Gray* of *Wark.*
Francis Leake Lord *Danecourt* of *Sutton.*
John Roberts Lord *Roberts* of *Truro.*

Barons made by King Charles.

William Craven Lord *Craven* of *Hamſteed Marſhal.*
Thomas Belaſis Lord *Fauconberge* of *Sarom.*
John Lovelace Lord *Lovelace* of *Hurley.*
John Pawlet Lord *Pawlet* of *Hinton St. George.*
William Harvey Lord *Harvey* of *Kidbrooke.*
Thomas Brudenel Lord *Brudenel* of *Stouton.*
William Maynard Lord *Maynard* of *Eſtaynes.*
Thomas Coventry Lord *Coventry* of *Alesborough.*
Edward Howard Lord *Howard* of *Eſtricke.*
George Goring Lord *Goring* of *Huſtperpoint.*
John Mohun Lord *Mohun* of *Okehampton.*
Thomas Savil Lord *Savil* of *Pontefract.*
John Butler Lord *Butler* of *Bramfield.*
Francis Leigh Lord *Dunſmore.*
William Herbert Lord *Powis* of *Powis.*
Edward Herbert Lord *Herbert* of *Chierbury.*
Francis Cottington Lord *Cottington* of *Hanworth*, Maſter of the Court of Wards, and Chancellour of the Exchequer.
John Finch Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seal of *England.*

Some Lords (as Privy Councellours) though not Peers of the Kingdom of *England*, ſuch as the King ſhall be pleaſed to call thither for their aſſiſtance, and ſit on the Wool-ſacks.

Judges.

Sr. *John Bramſton* Lord Chief Juſtice of the Kings Bench.

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Sir *Edward Littleton* Lord Chief Juſtice of the Common Pleas.
Sir *Humphrey Davenport* Lord Chief Baron.
The Judges of the Kings Bench.
The Judges of the Common Pleas.
The Barons of the Exchequer.

The four Maſters of the Chancery there attending, according to the direction of the Lord Keeper of the Great Seal of *England*.

The Kings learned Council.
The Serjeants.
Sir *John Bankes* the King's Attorney General.

The Officers of the higher Houſe of Parliament.

The Clerk of the Crown.
The Clerk of the Parliament.
The Uſher.
The Yeoman Uſher.

His Majeſties Declaration to all his loving Subjects, of the Cauſes which moved him to diſſolve the laſt Parliament.

THE King's moſt Excellent Majeſty well knoweth, that the calling, adjourning, proroguing and diſſolving of Parliaments, are undoubted prerogatives inſeparably annexed to his Imperial Crown; of which he is not bound to render any account, but to God alone, no more than of his other Regal Actions,

Nevertheleſs his Majeſty (whoſe Piety and Goodneſs have made him ever ſo order and govern all things) that the clearneſs and candor of his Royal Heart may appear to all his Subjects, eſpecially in thoſe great and publick matters of State, that have relation to the Weale and Safety of his People, and the Honour of his Royal Perſon and Government, hath thought fit (for avoiding and preventing all ſiniſter conſtructions and miſ-interpretation, which the malice of ſome ill-affected perſons to his Crown and Soveraignty, hath or may practiſe to infuſe into the minds and Ears of his good and faithful Subjects,) to ſet down by way of Declaration, the true cauſes as well of his aſſembling as of his diſſolving the late Parliament.

It is not unknown to moſt of his Majeſties loving Subjects, what Diſcouragements he hath formerly had, by the undutiful and ſeditious carriage of divers of the lower Houſe in preceding Aſſemblies of Parliaments, enough to have made him averſe to thoſe ancient and accuſtomed wayes of calling his People together; when inſtead of dutiful expreſſions towards his Perſon and Government, they vented their own malice and diſaffections to the State, and by their ſubtil and malignant courſes endeavoured nothing more than to bring into contempt and diſorder all Government and Magiſtracy.

Yet his Majeſty well conſidering that but few were guilty of that ſeditious and undutiful behaviour, and hoping that time and Experience had made his loving Subjects ſenſible of the diſtemper the whole Kingdom was like to be put into by the ill-governed actions of thoſe men; And his Majeſty being over-deſirous to tread in the ſteps of his moſt noble progenitors, was pleaſed to iſſue forth his *Writs* under the Great Seal of *England* for a Parliament, to be holden the

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13th *day of April* laſt. At which day his Majeſty by the *Lord Keeper* of his Great Seal, was graciouſly pleaſed to let both Houſes of Parliament know how deſirous he was, That all his People would unite their hearts and affections in the execution of thoſe Counſels that might tend to the Honour of his Majeſty, the ſafety of his Kingdoms, and the good and preſervation of all his People. And withal how confident he was that they would not be failing in their Duties and Affections to him and to the publick. 16 *Caroli.*

He laid open to them the manifeſt and apparent miſchiefs threatned to this and all his other Kingdoms, by the mutinous and rebellious behaviour of divers of the *Scottiſh* Nation, who had by their Examples drawn many of his Subjects there into a courſe of Diſloyalty and Diſobedience, not fit for his Majeſty in Honour, ſafety, or Wiſdom to endure.

How (to ſtrengthen themſelves in their diſloyal Courſes) they had addreſt themſelves to Foraign States, and treated with them to deliver themſelves up to their protection and Defence, as was made apparent under the hands of the Prime Ringleaders of that Rebellious faction.

Theſe courſes of theirs tending ſo much to the ruine and overthrow of this Famous Monarchy, united by the deſcent of the Crown of *England* upon his Majeſty and his Father of bleſſed memory: His Majeſty (in his great wiſdom, and in diſcharge of the Truſt repoſed in him by God, and by the Fundamental Laws of both Kingdoms, for the Protection and Government of them) reſolved to ſuppreſs, and thereby to vindicate that Soveraign power intruſted to him.

He had by the laſt Summers tryal found that his Grace and Goodneſs was abuſed, and that contrary to his expectation, and their faithful promiſes they had (ſince his being at *Berwick*, and the pacification there made) purſued their former rebellious deſigns: And therefore it was neceſſary now for his Majeſty by power to reduce them, to the juſt and modeſt condition of their obedience and ſubjection, which when ever they ſhould be brought unto, or ſeeing their own Errours ſhould put themſelves into a way of humility and obedience becoming them, his Majeſty ſhould need no other Mediator for Clemency and mercy to them, than his own piety and goodneſs, and the tender affection he hath ever born to that his native Kingdom.

This being of ſo great weight and conſequence to the whole Kingdom, and the charge of an Army fit to maſter ſuch a buſineſs amounting to ſuch a ſumm as his Majeſty hath no means to raiſe, having not only emptied his own Coffers, but iſſued between three and four thouſand pounds which he borrowed of his Servants upon ſecurity out of his own Eſtate, to provide ſuch things as were neceſſary to begin ſuch an Action with; his Majeſty after the example of his Predeceſſors, reſorted to his People in their repreſentative Body the Parliament, whom he deſired (with all the Expreſſions of grace and goodneſs which could poſſibly come from him) that taking into ſerious and dutiful conſideration the nature of theſe bleeding Evils, and how dangerous it was to loſe the leaſt minute of time, leſt thereby thoſe of *Scotland* ſhould gain the opportunity to frame their parties with Foraign States; that they would for a while lay aſide all other Debates, and paſs an Act for the ſpeedy payment of ſo many

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For further Supply neceſſary for ſo great an undertaking his Majeſty Declared, that he expected it not till there might be a happy concluſion of that Seſſion, and till their juſt grievances might be firſt graciouſly heard and relieved.

Wherein as his Majeſty would moſt willingly have given them the precedence before matter of Supply, if the great neceſſity of his occaſions could have permitted; ſo he was graciouſly pleaſed for their full aſſurance and ſatisfaction therein to give them his Royal Word, that without determining the Seſſion (upon granting of the Subſidies) he would give them before they parted as much time as the ſeaſon of the year and the great affairs in hand would permit, for conſidering all ſuch Petitions as they conceived to be good for the Common-Wealth, and what they would not now finiſh, they ſhould have full time to perfect towards Winter: His Majeſty graciouſly aſſuring them, that He would go along with them for their Advantage, through all the expreſſions of a gracious and pious King, to the end there might be ſuch a happy concluſion of that as might be the cauſe of many more meetings with them in Parliament.

From their firſt Aſſembling until the 21*th* of *April*, the Houſe of Commons did nothing that could give his Majeſty any content or confidence in their ſpeedy ſupplying of him: Whereupon he commanded both the Houſes to attend him in the *Banquetting Houſe* at *White-Hall* in the afternoon of that 21*th* of *April*, where (by the *Lord Keeper*) his Majeſty put them in mind of the end for which they were Aſſembled, which was for his Majeſties Supplies; That if it were not ſpeedy it would be of no uſe unto him, part of the Army then marching at the Charge of above a *hundred thouſand pounds* a moneth; which would all be loſt if his Majeſty were not preſently ſupplyed, ſo as it was not poſſible to be longer forborn.

Yet his Majeſty then expreſt that the ſupply he for the preſent deſired was only to enable him to go on with his Deſigns for three or four months, and that he expected no further ſupply till all their juſt grievances were relieved.

And becauſe his Majeſty had taken notice of ſome miſ-apprehenſions about the leavying of *Ship-Money*, his Majeſty commanded the *Lord Keeper* to let them know that he never had any intention to make any Revenue of it, nor had ever made any, but that all the money collected had been paid to the Treaſurer of the Navy and by him expended, beſides great ſumms of money every year out of his Majeſties own purſe.

That his Majeſty had once reſolved this year to have leavyed none, but that he was forced to alter his Reſolution, in regard he was of neceſſity to ſend an Army for reducing thoſe of *Scotland*, during which time it was requiſite the Seas ſhould be well guarded.

And beſides, his Majeſty had knowledge of the great *Fleets* prepared by all neighbouring Princes this year, and of the inſolencies committed by thoſe of *Algiers*, with the ſtore of ſhips they had in readineſs.

And therefore though his Majeſty for this preſent year could not forbear it, but expected their concurrence in the leavying of it, yet for

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for the future to give all his Subjects assurance, how just and Royal his Intentions were, and that all his Aim was, but to live like their King, able to defend himself and them; to be useful to his Friends, and considerable to his Enemies, to maintain the Soveraignty of the Seas, and so make the Kingdom flourish in Trade and Commerce: he was graciously pleased to let them know, that the ordinary Revenue now taken by the Crown, could not serve the turn: and therefore that it must be by *Ship-money*, or some other way, wherein he was willing to leave it to their considerations, what better course to find out, and to settle it how they would (so the thing were done) which so much imported the honour and safety of the Kingdom.

And his Majesty for his part, would most readily and cheerfully grant any thing they could desire, for securing them in the propriety of their Goods and Estates, and in the Liberty of their Persons. His Majesty telling them, it was in their power to make this as happy a Parliament as ever was, and to be the cause of the Kings delighting to meet with his people, and his people with him.

That there was no such way to effect this, as by putting Obligations of trust and confidence upon him, which as it was the way of good manners with a King, so it was a surer and safer course for themselves, than any that their own Jealousies and fears could invent; his Majesty being a Prince that deserved their trust, and could not lose the honour of it; and a Prince of such a gracious nature, that disdained his people should overcome him by kindness.

He had made this good to some other subjects of his; and if they followed his Counsel, they should be sure not to repent it, being the people that were neerest and deerest unto him, and subjects whom he did and had reason to value more, than the subjects of any his other Kingdoms.

His Majesty having thus graciously expressed himself unto them, he expected the House of Commons would have the next day taken into consideration the matter of supply, and laid aside all other Debates, till that was resolved of, according to his desire.

But instead of giving an Answer therein, such as the pressing and urgent occasions required, they fell into Discourses and Debates about their pretended Grievances, and raised up so many and of so several natures, that in a Parliamentary way they could not but spend more time, than his Majesties great and weighty affairs could possibly afford.

His Majesty foreseeing in his great Wisdom, that they were not in the way to make this a happy Parliament (which he so much desired and hoped) that nothing might be wanting on his part, to bring them into the right way, for his honour, the safety of the Kingdom, and their own good, he resolved to desire the Assistance of the Lords of the Higher House, as persons in Rank and Degree neerest to the Royal Throne, and who having received Honour from him and his Royal Progenitors, he doubted not would for those and many other reasons, be moved in Honour and Dutiful Affection to his Person and Crown, to dispose the House of Commons to express their Duties to his Majesty, in expediting the matter of Supply for which they were called together, and which required so present a Dispatch.

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For this purpoſe, his Majeſty in his Royal Perſon came again to the Lords Houſe on *Wedneſday* the twenty fourth day of *April*, where himſelf declared to the Lords the cauſe of his coming, which was to put them in mind of what had been by the Lord Keeper in his Name delivered to both the Houſes the firſt day of the Parliament, and after at *White-Hall*: how contrary to his Expectation, the Houſe of Commons having held conſultation of matter of Religion, Property of Goods, and Liberty of Parliament, and Voted ſome things concerning thoſe three Heads, had thereby given them the precedence before the matter of his Supply. That his neceſſities were ſuch, they could not bear delay; That whatever he had by by the Lord Keeper promiſed, he would perform, if the Houſe of Commons would truſt him.

For Religion, that his Heart and Conſcience went together with the Religion eſtabliſhed in the Church of *England*: and he would give order to his Arch-Biſhops and Biſhops, that no Innovation in matter of Religion ſhould creep in.

For the *Ship-money*, that he never made, nor intended to make any profit to himſelf of it, but only to preſerve the Dominion of the Seas; which was ſo neceſſary, that without it the Kingdom could not ſubſiſt. But for the way and means by *Ship-money* or otherwiſe, he left it to them.

For *property of Goods*, and *Liberty of Parliament*, he ever intended his people ſhould enjoy them; holding no King ſo great, as he that was King of a Rich and free people; and if they had not property of Goods and Liberty of Perſons, they would be neither rich, nor free.

That, if the Houſe of Commons would not firſt truſt him, all his affairs would be diſordered and his buſineſs loſt. That though they truſted him in part at firſt, yet before the Parliament ended, he muſt totally truſt them; and in concluſion, they muſt for Execution of all things, wholly truſt him.

Therefore ſince the matter was no more, than who ſhould be firſt truſted; and that the truſt of him firſt, was but a truſt in part, his Majeſty deſired the Lords to take into their conſiderations, his and their own Honour, the Safety and Welfare of this Kingdom, with the great danger it was in, and that they would by their Advice diſpoſe the Houſe of Commons, to give his Supply the precedence before the Grievances.

His Majeſty being departed, the Lords took into ſerious conſideration what his Majeſty had commended to their care, and forthwith laying aſide all other Debates (ſuch was their Lordſhips Dutiful and Affectionate Carriage, they well remembring what had been formerly declared in his Majeſties Name to both Houſes, his Majeſties gracious promiſes and expreſſions then and at this time, with the preſſing and urgent occaſions which ſo much imported the honour of his Majeſty, and the good of this Kingdom) their Lordſhips delivered their Votes in theſe words;

We are of opinion, that the matter of his Majeſties Supply ſhould have precedence and be reſolved of, before any other matter whatſoever. And we think fit, there ſhall be a Conference deſired with the Houſe of Commons, to diſpoſe them thereunto.

Accordingly

16 *Caroli.*

Accordingly the next day being *Saturday* the twenty fifth day of *April*, a Conference was had in the *Painted Chamber* by a Committee of both Houſes, where the Lord Keeper (by the Lords Command) told the Houſe of Commons of his Majeſties being the day before in perſon in the Higher Houſe, how graciouſly he had expreſt himſelf in matter of Religion, Property of Goods, and Liberty of Parliament; and that he would therein graciouſly hear and relieve them, and give them what in reaſon could be deſired, with the effect of what elſe had been graciouſly delivered unto them by his Majeſty, as well touching his conſtant zeal and affection to the Religion eſtabliſht in the Church of *England*, as touching the *Ship-money*.

Memorand. The Declaration proceeds further on to a great length in repeating the Kings Speech in the Houſe of Peers, and the Votes which the Lords did paſs thereupon in their Houſe, to diſpoſe the Commons to give Supply precedence, and how the Commons did Vote, the proceedings of the Lords to be a breach of their Priviledge, and to demand reparation, and how the Lords meant by their Votes, that it is no breach of Priviledge of the Commons. This Declaration alſo repeateth the two Meſſages which the King ſent by Sr. *Henry Vane* to the Houſe of Commons, and how they had no effect at all with them.

All which ſaid Paſſages are omitted here, becauſe they are fully ſet down in the Narrative of the Proceedings of this Parliament, which Omiſſion in this place is done to ſave the Reader a double trouble. That which follows in this Declaration after the ſaid Paſſages ſo omitted is in theſe words:

By all the proceedings herein declared, it is evident to all men, how willing and deſirous his Majeſty hath been, to make uſe of the antient and Noble way of Parliaments uſed and inſtituted by his Royal Predeceſſors, for the preſervation and honour of this famous Monarchy: And that on his Majeſties part nothing was wanting, that could be expected from a King whereby this Parliament might have had a happy Concluſion, for the comfort and content of his Majeſties ſubjects, and for the good and ſafety of this Kingdom.

On the contrary it is apparent, how thoſe of the Houſe of Commons, (whoſe ſiniſter and malitious courſes enforced his Majeſty to diſſolve this Parliament) have vitiated and abuſed that antient and noble way of Parliament, perverting the ſame to their own unworthy Ends, and forgetting the true Uſe and Inſtitution of Parliaments.

For whereas, theſe Meetings and Aſſemblies of his Majeſty with the Peers and Commons of this Realm, were in their firſt original, and in the practice of all ſucceeding Ages, ordained and held as pledges and teſtimonies of affection between the King and his people; the King for his part graciouſly hearing and redreſſing ſuch Grievances, as his people in humble and dutiful manner ſhould repreſent unto him; and the ſubjects on their part, (as teſtimonies of their Duty) ſupplying his Majeſty upon all extraordinary occaſions for ſupport of his Honour and Soveraignty, and for preſerving the Kingdom in Glory and Safety:

*An.*1640.

Thoſe ill affected Members of the Houſe of Commons, inſtead of an humble and dutiful way of preſenting their Grievances to his Majeſty, have taken upon them to be the Guiders and Directors in all matters that concern his Majeſties Government, both Temporal and Eccleſiaſtical: and (as if Kings were bound to give an account of their Regal Actions, and of their manner of Government to their Subjects aſſembled in Parliament) they have in a very audacious and inſolent way, entred into examination and cenſuring of the preſent Government, traduced his Majeſties Adminiſtration of Juſtice, rendred as much as in them lay, odious to the reſt of his Majeſties Subjects, not only the Officers and Miniſters of State, but even his Majeſties very Government, which hath been ſo juſt and gracious, that never did this, or any other Nation enjoy more bleſſings and happineſs, than hath been by all his Majeſties Subjects enjoyed ever ſince his Majeſties Acceſs to the Crown: nor did this Kingdom ever ſo flouriſh in Trade and Commerce, as at this preſent, or partake of more peace and plenty in all kinds whatſoever.

And whereas, the Ordinary Revenues of the Crown not ſufficing to defray extraordinary charges, it hath ever been the uſage in all Parliaments, to aid and aſſiſt the Kings of this Realm with free and fitting Supply, towards the maintenance of their Wars, and for making good their Royal undertakings; whereby the Kingdom intruſted to their protection, might be held up in Splendour and Greatneſs:

Theſe ill affected perſons of the Houſe of Commons, have been ſo far from treading in the ſteps of their Anceſtors by their Dutiful expreſſions in this kind, that contrarily they have introduced a way of bargaining and contracting with the King; as if nothing ought to be given him by them, but what he ſhould buy and purchaſe of them, either by quitting ſomewhat of his Royal Prerogative, or by diminiſhing and leſſening his Revenues; which courſes of theirs, how repugnant they are to the Duty of ſubjects, how unfit for his Majeſty in honour to permit and ſuffer, and what hazard and diſhonour they ſubject this Kingdom to, all men may eaſily judge, that will but equally and impartially weigh them.

His Majeſty hath been by this means reduced to ſuch ſtraits and extremities, that were not his Care of the Publick Good and Safety the greater, theſe men (as much as in them lyes) would quickly bring ruine and confuſion to the State, and render contemptible this glorious Monarchy.

But this frowardneſs and undutiful behaviour of theirs, cannot leſſen his Majeſties Care of preſerving the Kingdoms entruſted to his Protection and Government, nor his gracious and tender affection to his People, for whoſe good and comfort his Majeſty by Gods gracious aſſiſtance will ſo provide, that all his loving Subjects may ſtill enjoy the happineſs of living under the bleſſed ſhade and protection of his Royal Scepter.

In the mean time, to the end all his Majeſties loving Subjects may know, how graciouſly his Majeſty is inclined to hear and redreſs all the juſt Grievances of his people as well out of Parliament as in Parliament, his Majeſty doth hereby further declare his Royal Will and Pleaſure, that all his loving Subjects who have any juſt cauſe to preſent, or complain of any Grievances or oppreſſions, may

may freely addreſs themſelves by their humble Petitions to his Sacred Majeſty, who will graciouſly hear their Complaints, and give ſuch fitting Redreſs therein, that all his people ſhall have juſt cauſe to acknowledge his Grace and Goodneſs towards them; and to be fully ſatisfied, that no Perſons or Aſſemblies can more prevail with his Majeſty, than the Piety and Juſtice of his own Royal Nature, and the tender affection he doth and ſhall ever bear to all his people and loving ſubjects.

Lord *Brooke*, Sr. *John Hotham*, *&c.* committed.

THe day following the Diſſolution of the Parliament, ſome Members were impriſoned; the Lord *Brooks* his Study, Cabinets and Pockets were ſearched for Papers, *Henry Bellaſis* Knight of the Shire for the County of *York* and Sr. *John Hotham* were convented before the Council, and there examined concerning ſome particulars importing the Kings ſervice, whereunto they making (as the Board conceived) no ſatisfactory anſwers, (for they were interrogated concerning paſſages in Parliament, his Majeſty being preſent in Council) were ordered to be Committed to the *Fleet*: the Order for their Commitment doth follow.

Warrant for the Commitment of Mr. *Bellaſis* and Sr. *John Hotham* after the Parliament was diſſolved.

WHereas Henry Bellaſis Eſq;, *and Sir* John Hotham *Knight Baronet, were this day Convented before the Board, and Interrogated concerning ſome particulars importing his Majeſties ſervice: whereunto they did make very undutiful Anſwers (his Majeſty being then preſent in Council) for which it was thought fit and reſolved, that they ſhould ſtand Committed to the Priſon of the* Fleet: *Theſe are therefore to will and require you to take into your Cuſtody the ſaid* Henry Bellaſis *and Sr.* John Hotham, *and keep them ſafe Priſoners till further order from his Majeſty or this Board. For which this ſhall be your Warrant. Dated the* 8th *of* May 1640. *Signed*

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord High Admiral.
Lord Chamberlain.
Earl of Dorſet.
Earl of Salisbury.
Earl of Holland.
Earl of Berks.
Earl of Strafford.
Lord Viſcount Wilmot.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

Mr. *Crew* alſo committed.

JOhn Crew Eſq; [now Lord *Crew*] was alſo convented before the Board, his Majeſty being preſent in Council, and was there deſired ſeveral times by his Majeſty to deliver to the Clerk of the Houſe of Commons all Petitions, Papers and Complaints that he received, being in the Chair at the Committee for Religion. The Council urged, that it was agreeable to the practice and courſe of all others who had ſerved in the like imployment as Chair-men to Committees appointed by that Houſe, and therefore required the ſaid Mr. *Crew* to deliver ſuch Petitions and Papers as he had ſo received,

An. 1640. to the Clerk of the Houſe of Commons, to have them forth-coming when required by a Parliament; and being unwilling to diſcover the Names of Subſcribers to Petitions, which complained of Innovations in Religion, and againſt proceedings in the High Commiſſion Court, *&c.* leaſt they ſhould (the Parliament being now diſſolved) fall into the hands of thoſe who would bring them into trouble about the ſame; whereupon he deſired to be excuſed as to the delivery of them: thereupon it was commanded, that he ſhould be committed Cloſe Priſoner to the *Tower*, where he continued till near the time of the meeting of another Parliament *Novemb.* 3. 1640. The Warrant for his Commitment doth follow.

A Letter directed to the Lieutenant of the Tower of *London.*

A Warrant for his Commitment.

THeſe are to will and require you, to receive into your Cuſtody, the perſon of John Crew *Eſq;, and to keep him ſafe, and Cloſe Priſoner in the* Tower *till you ſhall receive further order from this Board: And for ſo doing, this ſhall be your Warrant. And ſo,* &c. *Dated the* 10th *of* May 1640. *Signed*

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Earl of Holland.
Lord Lieutenant of Ireland.
Lord Goring.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.

THe Parliament being now diſſolved, and the Kings Declaration of the Cauſes which moved him thereunto being publiſhed, we return to the Month of *April* where we broke off, leſt Interruption ſhould be given to the proceedings *De die in diem* of that Parliament: and that which offereth it ſelf unto us in order of time, is

A Letter directed to Sr. *Michael Earnely* Knight, Lieutenant Governour of his Majeſties Town and Garriſon of *Berwick.*

Scotch-men lately Inhabitants within the Town of *Berwick* to depart.

WHereas his Majeſty hath been advertiſed that divers perſons of ſundry qualities have for their relief and ſafety in this troubleſome time, been enforced to remove themſelves and their Families out of Scotland, *and have taken up their reſidence within the Town of* Berwick; *which becauſe it imports his Majeſties ſervice, that Town ſhould be kept as free and empty of people as conveniently may be, now that his Majeſties Army is to approach thoſe parts; It was his Royal Pleaſure conſideration ſhould be taken thereof at this Board, and ſuch order given therein as might be requiſite, both for his Majeſties ſervice, and alſo for the fit accommodation of thoſe refugiat perſons: We after mature deliberation have thought fit hereby to require you, to cauſe all ſuch perſons to remove*

remove with their Families out of the ſaid Town, to the full diſtance of miles *hitherwards. At which diſtance from the Borders his Majeſty will be pleaſed they may reſide and continue, but not come nearer the City of* London, *than the County of* York. *And for their remove from thence, they are to have ſeven dayes warning; and are to be diſmiſſed with all fair reſpect and ſuch aſſiſtance from you, as may moſt conveniently be afforded unto them according to their ſeveral qualities and conditions. But for ſuch perſons of quality as repair thither, having but little company with them, and ſhall have occaſion to make only a ſhort ſtay there, being to paſs forward, either to attend or to ſerve his Majeſty, you are not to underſtand them to be included in this our Order; wherein not doubting of your care, and requiring an account from you of your proceedings, we bid you,* &c. *Dated the* 18th *of* April 1640.

At this time it was thought fit by the Lords of the Privy Council to prevent inconvenience that might happen upon *May-day*, to write theſe two following Letters.

A Letter directed to the Earl of *Dorſet*, and to the Earl of *Holland*, as followeth.

To ſuppreſs the Inſolencies uſually practiſed on *May-day*.

After &c. *to your Lordſhips. Although it is well known unto you, what have been the inſolencies and diſorders committed on* May-dayes, *and how expreſs and frequent the directions of this Board have been for preventing the ſame; nevertheleſs we have thought good hereby to renew our directions to your Lordſhips, praying and requiring you to give order to the Juſtices of the Peace of the County of* Middleſex, *to cauſe ſtrong and* ſufficient Watches *to be kept in all fit places within their ſeveral Juriſdictions on* May-day *next; and (if need be) to cauſe ſome of the Trained Bands to be Muſtered and Trained on that day in ſuch places as ſhall be thought fitteſt to prevent the diſorders aforeſaid, and to hinder the confluence of people together: ſo praying your Lordſhips to uſe eſpecial care and diligence herein, we bid your Lordſhips,* &c. *From* White-Hall *the* 24th *of* April 1640.

Lord Keeper.	*Lord Viſcount* Wilmot.
Lord Privy Seal.	*Lord* Cottington.
Lord Great Chamberlain.	*Mr. Secretary* Windebanke.

Alſo another Letter to the ſame purpoſe was directed to the Lord Mayor of the City of *London*, as followeth.

To ſuppreſs the Inſolencies uſually committed on *May-day*.

After &c. *to your Lordſhip. Although it is well known unto you, what have been the* Inſolencies *and diſorders* committed *heretofore on* May-dayes, *and how expreſs and frequent the directions of this Board have been to your predeceſſors for preventing the ſame; nevertheleſs we have thought good to renew our like directions to your Lordſhip, hereby requiring you, that beſides the keeping of ſtrong and ſufficient Watches in all fit places within that City and Liberties thereof, you do likewiſe appoint to be in readineſs with Powder and Shot, ſome of the Trained*

An. 1640.

Trained Bands to the number of eight hundred, to be Inſtructed and Trained (as need ſhall require) on May-day *next in ſuch convenient places, as may beſt ſerve for the preventing of any Riots or Tumults, which by the number of Apprentices joyned with looſe and diſſolute perſons, (which abound in theſe parts) might otherwiſe happen, or be attempted: and ſo requiring you to uſe eſpecial care and diligence herein, We bid your Lordſhip,* &c. *From* White-Hall *the twenty fourth of* April 1640. *Signed*

Lord Keeper.
Lord Privy Seal, &c.

A Letter directed to the Lords Lieutenants of the ſeveral Counties mentioned in the Liſt immediately following: which Letter was dated *May* 5.

Concerning the Souldiers that are to march by Land.

WHereas by our Inſtructions dated the 26th *of* March *laſt ſent together with his Majeſties Letters for preſſing of Foot, within that County of your Lordſhips Lieutenancy for defence of the Realm, your Lordſhip was (amongſt other things) prayed to take order that the ſaid men to be raiſed, ſhould be appointed to meet in Companies of one hundred a piece at particular Rendezvouz in that County moſt convenient for every hundred men till the* 10th *of this Inſtant* May, *to be weekly exerciſed by ſuch Officers as the Lord General ſhould ſend down; and to be brought the* 10th *of* May *to the General Rendezvouz, which your Lordſhip was by our ſaid Inſtructions to appoint on the Confines of that Shire moſt convenient for the ſaid Souldiers march towards* Newcaſtle *upon* Tine; *at which General Rendezvouz in that County the ſaid men were to remain till the* 20th *of this Inſtant* May, *to be there exerciſed and put in order for their march towards* Newcaſtle: *we are now by his Majeſties expreſs directions and Command, hereby to pray and require your Lordſhip to take preſent and effectual order, that the ſaid men be not brought to the General Rendezvouz of that County till the firſt of* June *next; but that they be continued to be exerciſed once every week at their particular Rendezvouz until that day, and then repair to the General Rendezvouz of that County, and remain there till the tenth of the ſame* June, *to be exerciſed and put in order for their march towards* Newcaſtle, *according to our former Inſtructions of the* 26th *of* March *laſt: which ſaid Inſtructions your Lordſhip is to cauſe to be carefully purſued and obſerved in all other particulars without delay. And ſo we bid your Lordſhip,* &c. *Dated* May 5. 1640. *Signed by the*

Lord Arch-biſhop of Canterbury.
Lord Privy Seal, &c.

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A List of the Souldiers that are to march by Land.

	Men.		Men.
Berks	600.	Merioneth.	100.
Brecknocke.	200.	Monmouth	250.
Briſtoll.	200.	Montgomery.	200.
Cardigan.	150.	Northampton.	550.
Carmarthen	250.	Dorſett.	600.
Carnarvon.	160.	Oxford.	600.
Cheſter.	500.	Pembroke.	300.
Cornwall.	600.	Radnor	100.
Denbigh.	200.	Rutland.	60.
Devon.	2000.	Salop.	500.
Flint	080.	Somerſett.	2000.
Glamorgan.	200.	Southampton.	1300.
Gloceſter.	1500.	Stafford.	300.
Hereford.	300.	Warwick.	500.
Leiceſter.	400.	Wilts.	1300.

The Reader is deſired to excuſe any miſtake as to the number of men, the Copy by which it was printed being imperfect.

Letters were directed to the Lords Lieutenants of the ſeveral Counties particularly expreſſed in the Liſt mentioned in the former Letter.

WHereas by our *Letters of Inſtructions dated the* 26th *of* March *laſt, ſent together with his Majeſties Letters for* preſſing *of Foot within that* County *of your Lordſhips Lieutenancy, for defence of the Realm, your Lordſhip was* (*amongſt other things*) *prayed to take order, that the ſaid men to be raiſed, ſhould be appointed to meet in Companies of one hundred a piece at particular Rendezvouz in that County, moſt convenient for each hundred men till the of this inſtant* May, *to be weekly exerciſed by ſuch Officers as the Lord General ſhould ſend down, and to be brought the ſaid of* May *to the General Rendezvouz, which your Lordſhip was by our ſaid Inſtructions to appoint on the Confines of that Shire, moſt convenient for the ſaid ſouldiers march to* Graveſend, *at which General Rendezvouz in that County, the ſaid men were to remain till the of* June *next, to be there exerciſed and put in order for their march towards* Graveſend: *We are now by his Majeſties expreſs directions and command, hereby to pray and require your Lordſhip, to take preſent and effectual order, that the ſaid men be not brought to the General Rendezvouz of that County till the firſt of* June *next; but that they be continued to be exerciſed once every Week at their particular Rendezvouz until that day; and then repair to the General Rendezvouz of that County, and remain there at the charge of that County, till the tenth of the ſame* June, *to be exerciſed and put in order by ſuch Officers as are or ſhall be ſent thither for that purpoſe, by the Lord General, till ſuch time as his Lordſhip ſhall give order for their marching to* Graveſend *to be there ſhipped; but all the ſaid men are to enter into the Kings pay the tenth of* June *next, albeit they ſhall not march thence ſo ſoon; and are to deliver up the Arms borrowed*

Touching the Souldiers that are to be ſent by Sea.

An. 1640.

borrowed of the Trained Bands, when they ſhall march out of that County: and for all other particulars concerning this ſervice, your Lordſhip is to cauſe our former Inſtructions to be carefully purſued and obſerved. And ſo, &c. *Dated the ſixth of* May 1640. *Signed by*

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Lord Admiral.
Earl of Dorſet.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.

A Liſt of the Souldiers that are to be ſent by Sea.

Graveſend.

Suſſex.	600.
Surrey.	800.
Kent.	700.
Cinque-ports.	300.

Yarmouth.

Huntington.	400.
Suffolk.	600.
Northfolk.	750.
Cambridge.	300.
Bedford.	400.

Harwich.

Middleſex	1200.
Hertford.	650.
Eſſex.	700.
Buckingham.	500.

Grimsby.

Lincoln.	200.
Nottingham.	300.
Darby.	400.

A Memorial of his Majeſties *Declaration* to continue the *ſitting of the Convocation for the quiet of the Church.*

'ON the ſeventh of *May*, two dayes after the firſt Diſſolution, 'his Majeſty ſitting in Council was pleaſed to declare, that 'he intended according to his gracious Speech delivered at the diſſo- 'lution of the late Aſſembly in Parliament, to take into his Princely 'conſideration all the juſt Grievances there complained, and to re- 'medy ſo many of them, as he ſhould find to be real: and more par- 'ticularly and in the firſt place, thoſe concerning Religion. And 'that to this purpoſe, his Majeſty was minded to continue the ſitting 'of the Convocation Houſe for ſome time, for the better diſcovery 'and reformation of ſuch abuſes in that kind, as ſhall be found to 'be juſtly complained of; which his Majeſties pious and gracious 'Declaration and reſolution their Lordſhips having by his Maje- 'ſties command taken into due conſideration, after a ſerious debate 'they did all of them with one unanimous conſent humbly approve 'thereof, and commanded that a Memorial of his Majeſties care in 'continuing of the Convocation for the quiet of the Church, ſhould 'be entred in the Regiſter of the Acts of Council.

After this time the Convocation ſate till the 29th of *May*, and then ended.

At

16 Caroli.

At the Court at WHITE-HALL, on May 7.

Preſent

The Kings Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord High Admiral.
Lord Chamberlain.
Earl of Salisbury.
Earl of Holland.
Earl of Berks.
Lord Lieutenant of Ireland.
Lord Goring.
Lord Cottington.
Lord Viſcount Wilmot.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

Touching proceedings to be had againſt Sheriffs for their contempts and neglects in Ship-ſervice.

'HIs Majeſty and their Lordſhips taking into conſideration 'the great and ſupine negligence of the High Sheriffs of divers 'Counties, in the execution of his Majeſties Writs for *Ship-money* 'iſſued in *November* laſt, and reſolving that a round courſe ſhall be 'forthwith taken for puniſhing of them according to their deme-'rits; it was this day ordered, that Mr. Attorney General ſhall be 'hereby prayed and required to ſend for the preſent High Sheriffs 'of the Counties of *London*, *Middleſex*, **York*, *Berks*, *Surrey*, *Lie-'ceſter*, *Eſſex* and *Northampton*, and to examine them concerning 'their proceedings and performance of that ſervice, and to proceed 'againſt them for their contempt and neglect in ſo important a ſer-'vice, in the *Star-Chamber* or otherwiſe with all convenient expedi-'tion, as his Majeſties ſaid Attorney ſhall ſee cauſe.

* Sir *Marmaduke Langdale* then Sheriff.

May 9. *Saturday*, a Paper was paſted on the *Old Exchange London*, animating Apprentices to ſack the Arch-Biſhop of *Canterbury*'s houſe, whereupon the Privy Council directed a Letter to the effect following to the Lord Lieutenant of *Surrey*.

Trained Bands of *Southwarke* to be in readineſs in S. *George*'s Fields.

HIs Majeſties pleaſure is, that your Lordſhip take preſent and effectual order, that all the Trained Bands belonging to the Borough of Southwark, *be drawn forth and put in arms and readineſs, with powder and ſhot in St.* Georges Fields, *on* Munday *next in the morning, and that they continue and remain ſo till the Evening, unleſs your Lordſhip ſhall ſee cauſe to give order for their diſcharge ſooner. And thus not doubting your Lordſhips care herein, We bid,* &c. *Dated* May 10. 1640. *Signed by*

Lord Privy Seal.
Lord Admiral.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord Chamberlain.
Earl of Berks.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.

MOnday May 11. at Midnight ſaith my Lord Biſhop, my houſe at *Lambeth* was beſet with five hundred perſons of the Raſcal Riotous multitude; I had notice, ſaith the Archbiſhop, and ſtrengthened the houſe as well as I could, and God be bleſſed I had no harm; ſince I have got Cannons, and fortified my houſe as well as I can, and I hope all may be ſafe. But yet Libels are continually ſet up in all places of note in the City.

UPon the occaſion of this Tumult and the beſetting of *Lambeth Houſe* theſe following Orders were made by the Lords of the Privy Council for the ſecuring of his Grace the Archbiſhop of *Canterbury* from the Inſurrection of the People.

A Letter to the Lord Mayor of the City of *London*.

May 12. 1640.

For keeping Watches and ſtrict courſes in the City.

UPon Occaſion of the late tumultuous Aſſembly in and about Lambeth, *his Majeſty hath commanded us to ſignifie his pleaſure to your Lordſhip to take preſent and effectual order that there be double Watches kept within the City and Liberties of* London, *and that the ſaid Watches do continue in their charge till five a Clock in the morning. Your Lordſhip is further to cauſe every Houſholder within the ſaid City and Liberties, to be anſwerable for the quiet and peaceable behaviour of all his Apprentices and Servants: And laſtly your Lordſhip is to take eſpecial care that there be a good and ſufficient watch kept every night at the Bridge Foot, to intercept all vagrant perſons, and to prevent any concourſe of people, to paſs in or out of the ſaid City. Which ſtrict courſe and double watch is to be continued by your Lordſhips vigilant care till your Lordſhip ſhall receive further order. And for your Lordſhips ſo doing this ſhall be your warrant. And ſo* &c. *Dated* May 12. 1640.

Lord Archbiſhop of *Canterbury*.
Lord Treaſurer.
Lord Privy Seal.
Lord Marquels *Hamilton*.
Lord Great Chamberlain.
Lord High Admiral.
Lord Chamberlain.
Earl of *Salisbury*.
Earl of *Holland*.
Earl of *Berks*.
Lord Lieutenant of *Ireland*.
Lord *Goring*.
Lord *Cottington*.
Lord Viſcount *Wilmot*.
Lord *Newburgh*.
Mr. *Treaſurer*.
Mr. *Comptroller*.
Secretary *Windebanke*.
Lord Chief Juſtice of the Common Pleas.

16 Caroli.

A Letter to the Juſtices of Peace of *Weſtminſter* and Liberties.

May 12. 1640.

That double Watches and ſtrict Courſes be kept to prevent Tumults.

Upon occaſion of the late tumultuous Aſſembly in and about Lambeth, *we are by his Majeſties eſpecial Command to require you preſently to take effectual order that double Watches be kept every night in and about the Cities and Liberties of* Weſtminſter *to prevent diſorders and tumultuous Aſſemblies, and to intercept and apprehend all vagrant and wandring perſons and bring them to Juſtice. And you are further by his Majeſties expreſs Command to take ſome courſe that every Houſholder within the ſaid City and Liberties may be anſwerable for the peaceable and quiet behaviour of all his Apprentices and Servants; which double Watch and ſtrict courſe is to be continued by your care and vigilancy until further order. For which this ſhall be your ſufficient warrant. And ſo* &c. *Dated* May 12. 1640. *Signed,*

Lord Privy Seal.
Lord Lieutenant of *Ireland, &c.*

A Letter to the Earl of *Dorſet* and the Earl of *Holland* his Majeſties Lieutenants for the County of *Middleſex*.

May 12. 1640.

Strict courſes to be uſed for ſuppreſſing of Tumults.

Upon occaſion of the late tumultuous aſſembly at Lambeth, *we are by his Majeſties expreſs command hereby to require your Lordſhip preſently to take effectual order that there be double Watches kept in and about St.* Giles, *and* Tuttle Fields, *and all other paſſages and places near* London *and* Weſtminſter *within the County of* Middleſex *to prevent tumultuous aſſemblies, and to intercept and apprehend all idle and vagrant perſons and to bring them to Juſtice; and your Lordſhips are to give order that there be* Boats *provided to be ready to tranſport Horſe and Men at* Lambeth *Ferry and elſewhere upon any occaſion for the better ſuppreſſing of ſuch diſorders and tumults as may happen. And thus not doubting of your Lordſhips care herein, We bid* &c. *Dated and Signed* ut ante.

A Letter to the Earl of *Arundel* and *Surry*, the Earl of *Nottingham*, and the Lord *Maltravers*, his Majeſties Lieutenants of the County of *Surry*.

May 12. 1640.

To appoint a Provoſt Marſhal and Watch and Ward of Horſe and Foot.

Upon occaſion of the tumultuous aſſembly the laſt Night, We are by his Majeſties ſpecial command to require your Lordſhips preſently to take order that there be appointed forthwith an able and well affected Provoſt Marſhal together with a conſiderable and competent number of ſufficient Horſe and Foot, well armed and provided to Watch and Ward this night, and ſo by turns from time to time in and about Lambeth, Newington, *St.* Georges Fields, *and the places and paſſages thereabouts to prevent any Concourſe or Aſſembly of people: and to intercept and ap-*

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prehend all wandring and vagrant persons and to bring them to Justice. Which watch and Ward is to be continued till your Lordship shall understand his Majesties further pleasure. For which this shall be your Warrant. And so &c. *Dated* May 12. 1640. *Signed by*

Lord Privy Seal.
Lord Duke of *Lenox*, *&c.*

May 14. 1640.

After two dayes respite, Informations came every hour of more Libels posted up, whereupon a Letter was sent to the Lord Mayor of *London* to this effect.

That the Trained Bands be in readiness for suppressing tumults.

WHereas by the late tumultuous assembly in and about Lambeth, *we find that it may be necessary upon the like occasion to have the Trained Bands of the City of* London *and Liberties in a readiness to suppress any disorderly, riotous, and like tumultuous meetings, which may happen now or at any other time hereafter, we have therefore thought good hereby to authorise and require your Lordship for the prevention and suppressing of any danger that may happen by the gathering together of vagrant or any other idle persons, from time to time, and so often as you shall find it requisite to cause the trained Bands of that City,* &c. *or such part thereof as your Lordship shall think necessary to be drawn forth in their Armes and put in readiness for the service aforesaid. For which this shall be your Lordships Warrant. And so* &c. *Dated the* 14th *of* May, 1640. *Signed by*

Lord Archbishop of *Canterbury*.
Lord Treasurer.
Lord Privy Seal.
Earl of *Dorset*.
Earl of *Berks*.
Lord *Goring*.
Lord *Cottington*.
Lord *Newburgh*.
Mr. Treasurer.
Mr. Secretary *Windebanke*.
Mr. Comptroller.

May 15. 1640.

Another Letter was directed to the Earl of *Dorset*, and the Earl of *Holland* his Majesties Lieutenants for the County of *Middlesex*.

Trained Bands of *Middlesex* to be sent for ease to those of *Surry*.

WHereas by reason of the late tumultuous disorders in Southwark *and the parts thereabouts, the trained Bands of those parts have been by order from his Majesty and this Board commanded to watch several nights together, whereby they are so wearied as they are not well able longer to undergo that duty, we are therefore by his Majesties Command, hereby to require your Lordships to take present and effectual order that some of the Trained Bands of the County of* Middlesex *neareſt adjoyning be sent this evening into* Southwark, *and the parts adjacent, and so from time to time imployed by turns to relieve and ease the Trained Bands of* Surry, *as shall be by your Lordships Deputy Lieutenants and the Deputy Lieutenants of* Surry *agreed unto and ordered. We have also by his Majesties Command, written to the Lord Mayor to cause some of the Trained Bands of the City to be sent to morrow in the Evening into* Southwark,

wark, *in like manner for eaſe of the Trained Bands of* Surrey. *whereof we have thought good alſo to advertiſe your Lordſhips, that your Deputy Lieutenants may likewiſe agree with them at what times to ſend the Bands of* Middleſex *for the ſervice aforeſaid. For which* &c. *Dated the* 15th *of* May. *Signed by* 16 Caroli.

Lord Arch-Biſhop of *Canterbury.*
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs *Hamilton.*
Earl of *Suffolk.*
Earl of *Newcaſtle.*
Mr. Treaſurer.
Mr. Secretary *Windebank.*
Lord *Goring.*

At WHITE-HALL, May 15. 1640.

Preſent,

The King's Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Great Chamberlain.
Earl of Suffolk.
Lord Chamberlain.
Earl of Holland.
Earl of Berks.
Earl of New-Caſtle.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebank.
Lord Chief Juſtice of the Common Pleas.

Order for publiſhing a Proclamation for the puniſhing and repreſſing Traiterous and Rebellious Aſſemblies.

'WHereas there is a Proclamation drawn immediately to be 'publiſhed, for the puniſhing and repreſſing of the late 'Traiterous and Rebellious Aſſemblies in *Lambeth, Southwark* and 'other places adjoyning, it was this day ordered by his Majeſty with 'the Advice of the Board; that the Lord Mayor and the Sheriffs of '*London*, ſhall preſently aſſoon as the ſaid Proclamation ſhall come 'unto their hands, cauſe the ſame to be proclaimed in the Market 'places and chief ſtreets of the ſaid City and Liberties thereof, and 'the Sheriffs of *Middleſex* ſhall cauſe the ſame in like manner to be 'proclaimed in the chief ſtreets and places of the Suburbs, and places 'adjacent thereunto, and the Sheriff of *Surrey* in like manner ſhall 'cauſe the ſame to be proclaimed in the chief ſtreets and places ad-'jacent in the Borough of *Southwark*, and the Bayliff of *Weſtminſter* 'within the Liberties of *Weſtminſter*, whereof they are not to fail 'reſpectively in their ſeveral Juriſdictions.

At

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At the Court at WHITE-HALL, May 16. 1640.

Preſent,

The Kings moſt Excellent Majeſty.

May 16. 1640.

Lord Arch-Biſhop of *Canterbury*, &c.

Concerning *Beamont*, *Sprat* and *Wilſon*.

'IT was this day ordered (his Majeſty preſent in Council) that 'the examinations of *Richard Beamount*, *George Sprat*, and *Edmond* '*Wilſon* ſhall be forthwith ſent to Mr. *Sergeant Heath* and *Sergeant* '*Whitfield*. Who together with the Recorder of the City of *Lon*-'*don*, are hereby prayed and required to conſider of the ſame, and to 'take ſuch further examinations of the ſaid perſons, and of *Gervaſe* '*Oglethorpe* mentioned in *Richard Beamount*'s examination, and of 'ſuch others as they ſhall diſcover, or as the ſaid *Sergeants* and 'Mr. *Recorder* or any two of them ſhall conceive fit and beſt for 'diſcovering of the truth of the buſineſs expreſſed in the examinati-'ons already taken and ſent herewith. And in the mean time the 'ſaid *Beamount* is to ſtand Committed to the Priſon of the *Fleet*.

At the Court at WHITE-HALL, May 16. 1640.

Preſent,

The King's Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Privy Seal.
Lord Duke of Lenox.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord Admiral.
Lord Chamberlain.
Earl of Dorſet.
Earl of Salisbury.
Lord Goring.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Earl of Holland.
Earl of Berks.
Earl of Morton.

To reſtrain Boats from carrying idle perſons after nine a clock at night.

'HIS Majeſty and their Lordſhips underſtanding that when the 'late Tumults were in and about *Southwark* and *Lambeth*, there 'were divers idle and lewd perſons tranſported to and from *Ratcliff*, '*Blackwall*, *Rodorith*, *Wapping* and other parts thereabouts, whereby 'the ſaid diſorderly and rebellious aſſemblies were much increaſed; 'It was therefore this day ordered, his Majeſty preſent in Council, That 'as well the Maſter and Wardens of the Trinity houſe, as the Maſter 'and Governours of the *Watermans* Hall, ſhould be hereby required to

'take

16 *Caroli.*

'take present and effectual order that there be no Boats of any sort 'suffered to transport after Nine a Clock at Night, any idle or 'suspected persons for whom they will not answer or give ac-'compt.

Another Letter to the Lord Mayor of *London.*

May 16. 1640.

Newgate to be securely guarded till *Bensteed* be delivered to the Sheriff.

WHereas Thomas Bensteed *now prisoner in* Newgate *is not to be Executed till to morrow morning, We have therefore thought good hereby to will and Command your Lordship to give effectual order that the said Prison be this night,* (*and so till he shall be delivered to the Custody of the Sheriff*) *safely and securely guarded, whereof your Lordship may not fail. And so* &c. *Dated as before.*

A Letter to the Lieutenant of the Tower of *London.*

May 16. 1640.

To have the Trained Bands of the Tower in readiness for defence of the same.

WHereas *by the late Tumults about the City, we find it may be necessary upon occasion to have the Trained Bands within the Precincts and Liberties of the Tower in a readiness not only to suppress any disorderly, riotous and like tumultuous meetings, which may at any time happen, but for the defence and safety of his Majesties* Tower, *whereof you have charge; We have therefore thought good hereby to authorise and require you for the service aforesaid, forthwith and so long as you shall find it requisite from time to time to cause the Trained Bands within the said precinct,* &c. *or such part thereof as you shall find necessary, to be drawn forth in their Armes, and put in readiness with Powder and Shot, and to take so many of them for your assistance into the* Tower, *as you shall think fit for the safety and defence of the said* Tower. *For which* &c. *And so* &c. *Dated the* 15th *of* May. *Signed by the*

Earl of Dorset.
Earl of Holland *&c.*

At this time a Letter was sent to the Lords Lieutenants of the County of *Norfolk.*

Touching refusers to pay *Coat* and *Conduct* money.

WHereas *we understand by a Paper presented to this Board by some of your Lordships Deputy Lieutenants of the County of* Norfolk, *that there are divers persons within that County, who refuse to pay Coat and Conduct Money for the seven hundred and fifty men ordered to be raised there for the present expedition for his Majesties Service; And whereas your Lordships said Deputy Lieutenants desire to know how to proceed with such men as refuse to receive prest-money for the said expedition; We have thought good hereby to pray and require your Lordships to give speedy directions to your Deputy Lieutenants of that County to send to your Lordships to be presented to this Board the names of those of the principal and ablest men of that County who shall refuse to pay Coat or Conduct Money for the said men to be Levyed there. And that they Commit to Prison such persons as being lyable to the said Press, shall refuse to receive prest-money for the said present expedition for his Ma-*

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jesties Service. And thus knowing very well your Lordships care to give expedition to Service of this nature and importance, We bid &c. *Dated the* 7th *of* May. *Signed by*

Lord Archbiſhop of *Canterbury*, *&c.*

May 17. 1640.

On the 17th *of* May, 1640. *it was alſo thus ordered by the Privy Council.*

Order for the burning of Popiſh Books.

'WHereas there was lately found in the houſe of one *Alexander Lea* a Taylor dwelling in *Blomesbury* a Trunk belonging to 'one *Mary Silveſter*, wherein was locked up to the number of 200 'Popiſh Books or thereabouts all in *Engliſh*, viz. *Jeſus Pſalters*, In-'vectives and Rhimes againſt *Luther* and *Calvin*, *Rhemes* Teſtaments, 'Preparative Prayers to the Maſs, *Manuels*, and other ſuperſtitious 'Prayer Books and Catechiſms, ſuch as by the Law of this Kingdom 'ought to be burnt; It was this day ordered, his Majeſty preſent in 'Council, that all the ſaid Popiſh Books, ſhall be forthwith delivered 'to the Sheriffs of the City of *London* who are hereby authoriſed 'and required to cauſe all the ſaid Books to be brought into *Smith-'field*, and there in the Market place, between ten and eleven of the 'Clock in the Morning on a Market day laid upon a heap and all 'publickly burned by the Hangman.

Gentlemen of *Lincolns*-Inn queſtioned for Drinking a health to the confuſion of the Arch-Biſhop of *Canterbury*.

AFter the Diſſolution of this Parliament, and the apprehenſion which the people had, that his Grace of *Canterbury* was the principal cauſe thereof, occaſioned people of better ſort alſo to be diſſatisfied with his Grace; and it ſo fell out that at a meeting in a Tavern in *Chancery* Lane, certain Gentlemen of *Lincolns*-Inne were drinking a health of which a Drawer informed the Archbiſhop that it was a health to his Confuſion, whereupon his Grace procured a Warrant to *Keym* a Meſſenger to bring before the Board Mr. *C.* Mr. *G.* Mr. *O.* Mr. *M.* and Mr. *T.* young Gentlemen of *Licolns* Inn. And when the ſaid Gentlemen a little before their appearance made their application to the Earl of *Dorſet* to ſtand their Friend, and to pardon their unadviſedneſs in drinking a raſh health; the Earl askt them, who doth bear witneſs againſt you? they anſwered one of the Drawers; where did he ſtand, ſaid the Earl, when he heard you drink the health? they replyred, he was at the door going out of the Room; Tuſh, ſaid the Earl, the Drawer was miſtaken, you drank a health to the Confuſion of the Archbiſhop of *Canterbury*'s foes, and he heard the firſt part of your words, and was gone before he heard the latter words. This Hint put the Gentlemen upon a new way of excuſe which they thought not of before, but the Earl adviſed them to carry themſelves with all humility and reſpect to the Arch-biſhop when they were called in before the King and his Council; they improved this Advice with as good language as they could; and by the favour of the ſaid Earl and others they only received a reproof and admonition, and ſo were diſmiſt.

At

16 *Caroli.*

After the Lords of the Council had Committed some Members of Parliament, and secured the Archbishop of *Canterbury* his House at *Lambeth* from Tumults, they then took into Consideration how to procure moneys for the Kings present supply; whereupon divers Aldermen were sent for to the Council Table to give in the Names of such Citizens in *London* as were able to lend the King money, which they refusing to do were committed to Prison, as by the following Orders and Warrants do appear.

Names of persons in *London* able to lend money to the King, to be presented to the Board.

'IT was the day of *May* ordered (his Majesty present in Coun-'cil) That as well the Lord Mayor and all the Aldermen of the City 'of *London*, who this day attended his Majesty (excepting Sir *Ni-'cholas Rainton*, Alderman *Somes*, Alderman *Geere*, and Alderman *At-'kins*) as also all the rest of the Aldermen who were this day absent, 'together with the Deputies of the Wards belonging to the said 'Sir *Nicholas Rainton*, Alderman *Somes*, Alderman *Geere*, and Al-'derman *Atkins*, shall forthwith meet and set down in Writing the 'names of all such persons Inhabitants within their several and re-'respective Wards, as they conceive are able to lend his Majesty '(upon security) in the whole amongst them all) the summ of two 'hundred thousand pounds. And that they shall every of them re-'spectively set down particularly, how much every person in their 'Wards is able in their opinions to lend towards the said summ of 'two hundred thousand pound, and present the same in Writing to 'the Council Board, on *Friday* next at two a Clock in the After-'noon. And the said Lord Mayor and Aldermen may (if they 'please) call to them the Deputies of their several and respective 'Wards to assist and inform them for their better dispatch of this 'business. And if any of the Aldermen who were absent or their 'Deputies of any of the said Wards shall refuse or delay to joyn 'herein, according to this order: his Majesties express command is, 'That the Lord Mayor do forthwith return his or their Names to 'the Board.

The same day this Order following was made.

Sir *Nicholas Rainton* and other Aldermen of *London* to be examined and proceeded against.

'WHereas Sir *Nicholas Raynton* Alderman of the City of *Lon-'don*, Alderman *Geere* and Alderman *Atkins* were heretofore 'with the rest of the Aldermen of the said City made acquainted 'with his Majesties urgent and present occasions to use and imploy 'the summ of two hundred thousand pounds for the safeguard and 'defence of the Realm, and were required in his Majesties name to 'set down the names of such persons within their several and respe-'ctive Wards, who are in their opinions able to lend his Majesty 'moneys towards the said defence, and to set down how much they 'conceive every such person is able to lend: And whereas the said 'Sir *Nicholas Rainton*, Alderman *Geere*, and Alderman *Atkins* being 'this day convented before the Board, his Majesty present in Coun-'cil, refused to set down the names of such persons within their se-'veral and respective Wards, which in their opinions were able to 'lend his Majesty money for the service aforesaid, and how much

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'they conceive every ſuch perſon is able to lend, (although other 'Aldermen have therein given his Majeſty ſatisfaction,) for which 'their contempt they now ſtand Committed by Warrant from this 'Board: It is ordered that Mr. *Attorney General* ſhall be hereby 'prayed and required forthwith to examine all the ſaid Aldermen 'apart, and having taken all their examinations, to take preſent or- 'der for procceeding againſt them for their ſaid contempts, by Infor- 'mation in the *Star Chamber* or otherwiſe, as he with the advice of 'others of his Majeſties Learned Council ſhall conceive to conduce 'moſt to his Majeſties ſervice.

After theſe Orders, theſe Warrants following were alſo made.

'A Warrant to commit Alderman *Somes* to the Priſon of the 'Fleet, Dated *May* 10. *Signed by*

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Duke of Lenox.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord Lieutenant of Ireland.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

'A Warrant to Commit Alderman *Atkins* to the *Kings Bench*, 'Dated *May* 10. Signed by

Lord Arch-Biſhop of Canterbury. *Lord Keeper. Ut ſupra.*

'A Warrant to Commit Sir *Nicholas Rainton* to the *Marſhalſeas*, 'Signed, *Ut ſupra.*

'ANother Warrant for the Commitment of Mr. Alderman *Geere* 'to the Priſon of the *Gate-houſe*, Dated and Signed, *Ut ante.*

At this time a Letter was directed to the Sheriffs of the ſeveral Counties expreſſed in the liſt after the Letter.

Round Letters to require the people to pay in Ship-money betimes.

IT ſo much importeth the defence and ſafety of the Kingdom that the Ship Money *payable by that County, ſhould be forthwith (without further delay,) Levyed and paid in to the Treaſurer of the Navy, and you have already to that purpoſe received from this Board ſo many Letters to quicken you in the performance of your duty in that behalf, as we ſhall not only let you know that his Majeſties Occaſions for the defence of the Kingdom are rather more (than leſs) preſſing, and that if through your continual neglect all the* Ship Money *be not timely paid, both this and the former admonitions given you will add weight to your default and contempt. And if you pay not in at leaſt one half of the Money payable by that County for the ſaid ſervice by the laſt of this Month, and the other half by the* 24th *of* June *next; you muſt expect*

to

16 *Caroli.*

to feel the ſmart and puniſhment due to ſo wilful a remiſsneſs in a buſineſs of ſo great Import and Conſequence. And ſo, &c. *Dated* May 11. 1640. *Signed by*

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Lord Admiral.
Lord Lieutenant of Ireland.
Lord Viſcount Wilmot.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

A Liſt of the COUNTIES.

Buckingham.
Bedford.
Briſtoll.
Cornwall.
Cambridge.
Cumberland.
Cheſter.
Devon.
Derby.
Dorſet.
Dureſme.
Glouceſter.
Southampton.
Hertford.
Huntingdon.
Kent.
Lancaſter.
Lincolne.
Monmouth.
Nottingham.
Northumberland.
Northfolke.
Oxford.
Rutland.
Somerſet.
Suſſex.
Suffolke.
Stafford.
Salop.
Warwick.
Worceſter.
Wilts.
Weſtmerland.
Carnarvon.
Denbigh.
Flint.
Montgomery.
Brecknocke.
Cardigan.
Carmarthen.
Pembroke.
Radnor.

In this Month of May *this enſuing Order was made by the Lords of the Privy Council.*

Order for a Proclamation to require Deputy Lieutenants, *&c.* to repair to their dwellings.

'THeir Lordſhips taking notice, that there are now in and about 'this Town, divers Deputy Lieutenants and Juſtices of 'Peace, whereby the preſent ſervices of his Majeſty and the Govern-'ment of the Countrey are very much neglected; It was therefore 'this day ordered, that Mr. Attorney General ſhall be hereby prayed 'and required forthwith to prepare a Bill fit for his Majeſties ſigna-'ture, containing a Proclamation requiring and commanding all 'Deputy Lieutenants, and Juſtices of Peace of Counties, forthwith 'to repair to their ſeveral and reſpective dwellings in the Countrey, 'and to reſide and attend there the ſervices of his Majeſty, and af-

*An.*1640.

'fairs of their Countrey. Which draught of a Proclamation is 'forthwith to be drawn up and preſented to be read at the Board.'

At the Court at WHITE-HALL, *May* 20. 1640. His Majeſty preſent,

Order appointing a Committee for the Shipping buſineſs.

'UPon conſideration this day had, how much it importeth the 'ſafety and defence of the Kingdom (in regard of the great 'preparations that are made of Sea Forces by Neighbouring Princes 'and States) that all the *Ship-money* which is in Arrear, ſhould be 'preſſed to be paid with all poſſible expedition; His Majeſty preſent in 'Council, did hold fit, that a ſelect Committee of the Board ſhould be 'appointed for the ſhipping buſineſs; and thereupon was pleaſed to 'nominate the *Lord Keeper*, *Lord Privy Seal*, *Lord Chamberlain*, *Earl of* 'Dorſet, *Earl of* Salisbury, and the *Lord Chief Juſtice* Littleton, or any 'three or more of them, who are by his Majeſties ſpecial command 'required to meet every *Thurſday* morning out of Term, and every '*Thurſday* in the afternoon in the Term time, and oftner, as there 'ſhall be occaſion, to hear and conſider of ſuch Letters, Petitions, 'Accompts and Papers as ſhall be ſent or preſented concerning that 'weighty buſineſs, and to give anſwers and diſpatches to ſuch of or-'dinary matters concerning that ſervice as they ſhall think good, 'and to acquaint his Majeſty and the Board with ſuch others as they 'ſhall hold to be of more importance and conſideration: and Mr. *Ni-'cholas* Clerk of the Council is required to attend their Lordſhips 'at their ſaid meetings, and oftner as their Lordſhips ſhall appoint 'for diſpatch of ſuch buſineſſes concerning that ſervice, as their 'Lordſhips ſhall direct.

The ſame day His Majeſty preſent, this Order was made.

For a *Provoſt Marſhall*, and to be furniſhed with Arms, Saddles, *&c.*

'UPon conſideration of the many Inſolencies and diſorders lately 'committed by lewd and baſe people tumultuouſly aſſembled 'in divers parts in and about the City of *London* and Liberties, It 'was this day ordered, his Majeſty preſent in Council, that Cap-'tain *William Davis* (who hath formerly diſcharged with good ſatis-'faction the Office of *Provoſt Marſhall* for the ſaid City and Liberties 'of *London*) ſhall be forthwith employed *Provoſt Marſhall* for the 'ſaid City and twenty miles compaſs thereabouts. And for his bet-'ter performance of that Charge, he is to have twelve Horſe Cara-'bins and twelve Foot; of which Foot, ſix are to be armed with 'half Pikes or Halberds, and ſix with Harquebuſſes. And that for 'his Sallary, the ſaid Captain ſhall be allowed five ſhillings *per diem* '(being the like pay as is allowed to the *Provoſt Marſhall* of the 'Horſe employed in his Majeſties Army) and the twelve Horſe are 'to have two ſhillings a piece *per diem*, being the pay of Carabins; 'and the twelve Foot are to be allowed eight pence *per diem*; which 'entertainments or pay are to be made Monthly to the ſaid Captain 'for himſelf and his ſaid Company by the Treaſurer at War for the

'time

'time being, or his Deputy. And there is further to be forthwith 'paid to the ſaid Captain, by the ſaid Treaſurer, the ſumm of one 'hundred forty and four pounds for preſent Levying of all the ſaid 'twelve Horſe, after the rate of twelve pounds an Horſe. Which 'Horſe are to be furniſhed with Arms, Saddles and Furniture out of 'his Majeſties Magazin of the *Tower*. And the ſaid Captain is to 'take care, that the ſaid Arms, *&c.* after the Service ſhall be ended, 'be carefully and entirely reſtored and delivered back into his Maje-'ſties ſaid Magazin.

Thurſday, May 21. one of the chief of the Tumult being taken, was brought to his Tryal, and Condemned at *Southwark*, Hanged and Quartered on *Saturday* Morning following.

'IT was about this time thought fit and ordered, (his Majeſty 'being preſent in Council) that the twelve Burgeſſes and their 'Aſſiſtants of the City of *Weſtminſter* and Liberties thereof, ſhall for 'the more orderly Government of the ſaid City and Liberties, re-'ſide and continue in Town, and none of them to depart without 'leave from his Majeſty or the Board. And they are to be vigilant 'in the Execution of their Offices in their ſeveral Wards, and be 'aiding and aſſiſting to all ſubordinate Officers within their Juriſ-'diction upon all occaſions that ſhall ariſe; and eſpecially for the 'preventing and ſuppreſſing of all tumultuous Aſſemblies and Riots 'or other diſorders any way tending to the Breach of the Peace; as 'alſo to take care and provide for the Viſited in this time of Infe-'ction. And for ſuch of the particulars aforeſaid, as are contained 'and provided for in the particular Act of Parliament of 27 *Eliz.* 'made for the better Government of the ſaid City and Liberties. 'Whereof all and every the perſons whom it may concern, are to 'take knowledge, and to govern themſelves accordingly.

The Burgeſſes of *Weſtminſter* to reſide in Town, and not to depart without leave from his Majeſty or the Board.

A Copy of Letters to the Lords Lieutenants of the ſeveral Counties, expreſſed in the Liſt following the Letter.

May 27. 1640.

WHereas by our Letters of the 26th *of* March *laſt, you were required to cauſe Horſes and Carters to be provided in that County of your Lordſhips Lieutenancy for the Train of Artillery, and the Carriage of Ammunition*, &c. *Which Horſe and Carters were to be ready at* Newcaſtle *upon* Tine *by the* 15th *of* June *next; we are now by his Majeſties ſpecial Command, to require your Lordſhip to give preſent and effectual order, that the ſaid Horſe and Carters be not brought to the ſaid Rendezvouz at* Newcaſtle *aforeſaid, until the* 5th *of* Auguſt *next, when they are not to fail to be there: And for all other particulars mentioned in our ſaid Letters, concerning the ſaid Horſe and Carters, the ſame are punctually to be performed and kept. And ſo*, &c. *Dated* May 27. 1640.

Horſe and Carters to be provided according to the Liſt.

Bedford.

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	Horſes.	*Carters.*		*Horſes.*	*Carters.*
Bedford.	50	17	Lincoln.	60	20
Berks.	30	10	Middleſex.	30	10
Buckingham.	50	17	Northfolke.	60	20
Cambridge.	50	17	Northampton.	70	23
Cheſter.	50	17	Nottingham.	50	17
Derby.	60	20	Oxford.	40	13
Dorſett.	20	7	Rutland.	20	7
Eſſex.	60	20	Salop.	40	13
Gloceſter.	50	17	Somerſett.	20	7
Hertford.	50	17	Southampton.	50	17
Hereford.	30	10	Stafford.	50	17
Huntington.	50	17	Suffolke.	60	20
Kent.	20	7	Warwick.	60	20
Leiceſter.	70	23	Worceſter.	50	17
Lancaſter.	50	17	Wilts.	50	17

May 29. the *Convocation* having ſat from the Diſſolution of the Parliament on the fifth of *May* laſt till this day, they made in that time ſeventeen Canons: and the Oath therein contained, was as followeth:

The Oath.

'I *A. B.* do ſwear, That I do approve the Doctrine and Diſcipline 'or *Government* eſtabliſhed in the Church of *England*, as contain-'ing all things neceſſary to ſalvation: And that I will not endeavour 'by my ſelf or any other, directly or indirectly, to bring in any Po-'piſh Doctrine, contrary to that which is ſo eſtabliſhed: nor will I 'ever give my conſent to alter the Government of this Church, by 'Arch-Biſhops, Biſhops, Deans, and Arch-Deacons, *&c.* as it ſtands 'now eſtabliſhed, and as by right it ought to ſtand; nor yet ever 'to ſubject it to the Uſurpations and Superſtitions of the See of '*Rome*. And all theſe things I do plainly and ſincerely acknow-'ledge and ſwear, according to the plain and common ſenſe and un-'derſtanding of the ſame words, without any equivocation, or men-'tal evaſion, or ſecret reſervation whatſoever. And this I do heartily, 'willingly, and truly, upon the Faith of a Chriſtian. *So help me* '*God in Jeſus Chriſt.*

The Table of the Canons then made, do follow.

1. CONcerning Regal Power.
2. For the better keeping the day of his Majeſties moſt happy Inauguration.
3. For ſuppreſſing the Growth of Popery.
4. Againſt Socinianiſm.

5. Againſt

16 *Caroli.*

5. Againſt Sectaries.
6. An Oath enjoyned for the preventing of all Innovations in Doctrine and Government.
7. A Declaration concerning ſome Rites and Ceremonies.
8. Of Preaching for Conformity.
9. One Book of Articles of Enquiry to be uſed at all Parochial Viſitations.
10. Concerning the Conſervation of the Clergy.
11. Chancellors Patents.
12. Chancellors alone not to cenſure any of the Clergy in ſundry caſes.
13. Excommunication and Abſolution not to be pronounced, but by a Prieſt.
14. Concerning Commutations, and the diſpoſing of them.
15. Touching concurrent Juriſdictions.
16. Concerning Licences to marry.
17. Againſt Vexatious Citations.

Which Canons were all Voted *Nemine diſſentiente*, except *Godfrey Goodman* Biſhop of *Glouceſter*, who did not relliſh the ſaid Oath, (notwithſtanding the main vertue and operation thereof was intended for the eſtabliſhing of the Hierarchy); wherefore, for refuſing to ſubſcribe the ſaid Oath, *&c.* he was ſuſpended: but afterwards he ſubmitted, took the Oath, and was releaſed by the Kings Command; and writ a Letter to the Arch-Biſhop of *Canterbury*: of which this which followeth is a Clauſe:

Dr. *Goodman* Biſhop of *Glocester* refuſeth the Oath, *&c.*

MOſt *Reverend*, &c. *Biſhop* Mountague *of* Norwich *did privately encourage me to diſſent (though I confeſs I was little moved with his words; for I never had an opinion of that man) yet in publick to pleaſe your Grace, he preſſed my deprivation, falſly quoting ſome Councils (God forgive him as I do) At that inſtant I could have proved, how that in his perſon he did viſit and held correſpondency with the Popes Agent, and received his Letters in behalf of his Son, who was then travelling to* Rome, *and by his Letters he had extraordinary entertainment there.* This, Biſhop *Mountague* would aſcribe the credit which he had gotten was by his Writings, which in truth I think are not worth the reading.

His Majeſty confirmed the Canons before mentioned under the Great Seal in manner following.

'WE of our Princely inclination and Royal care for the 'maintenance of the preſent Eſtate and Government of the 'Church of *England* by the Laws of this our Realm now ſetled and 'eſtabliſhed; having diligently with great contentment and comfort 'read and conſidered of all theſe their ſaid Canons, Orders, Ordi-'nances and Conſtitutions agreed upon, as is before expreſſed: and 'finding the ſame ſuch as we are perſwaded will be very profitable,

'not

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'not only to our Clergy, but to the whole Church of this our King-'dom, and to all the true members of it (if they be well obſerved,) 'have therefore for us, our heirs and lawful ſucceſſors, of our eſpe-'cial grace, certain knowledge, and meer motion, given, and by 'theſe preſents do give our Royal aſſent, according to the form of 'the ſaid Statute or Act of Parliament aforeſaid, to all and every of 'the ſaid Canons, Orders, Ordinances and Conſtitutions, and to all 'and every thing in them contained, as they are before written. And 'furthermore, we do not only by our ſaid Prerogative Royal, and 'ſupream Authority in Cauſes Eccleſiaſtical, ratifie, confirm and 'eſtabliſh, by theſe our Letters Patents, the ſaid Canons, Orders, Ordi-'nances and Conſtitutions, and all and every thing in them con-'tained, as is aforeſaid; but do likewiſe propound, publiſh and 'ſtraitly enjoin and command by our ſaid Authority, and by theſe 'our Letters Patents, the ſame to be diligently obſerved, executed 'and equally kept by all our loving ſubjects of this our Kingdom, 'both within the Povinces of *Canterbury* and *York*, in all points where-'in they do or may concern every or any of them according to this 'our will and pleaſure hereby ſignified and expreſſed. And that like-'wiſe for the better obſervation of them, every Miniſter, by what 'Name or Title ſoever he be called, ſhall in the Pariſh Church or 'Chappel where he hath charge, read all the ſaid Canons, Orders, 'Ordinances and Conſtitutions at all ſuch times, and in ſuch man-'ner as is preſcribed in the ſaid Canons, or any of them: The Book 'of the ſaid Canons to be provided at the charge of the Pariſh, 'betwixt this and the Feaſt of St. *Michael* the Arch-angel next en-'ſuing: Straitly charging and commanding all Arch-Biſhops, Bi-'ſhops, and all other that exerciſe any Eccleſiaſtical Juriſdiction 'within this Realm, every man in his place to ſee and procure (ſo 'much as in them lyeth) all and every of the ſame Canons, Or-'ders, Ordinances and Conſtitutions, to be in all points duly 'obſerved, not ſparing to execute the penalties in them ſeverally 'mentioned, upon any that ſhall wittingly or wilfully break or neg-'lect to obſerve the ſame, as they tender the honour of God, the 'peace of the Church, the tranquillity of the Kingdom, and their 'duties and ſervice to us their King and Soveraign. In witneſs where-'of we have cauſed theſe our Letters to be made Patents: Witneſs 'our Self at *Weſtminſter*, the 30th day of *June*, in the 16th year of 'our Reign.

A Letter directed to the Lord Mayor of *London*.

May 31. 1640. For levying 4000. Foot for the preſent Expedition into the *North*.

By his Majeſties Letters dated in March *laſt ſent herewith, you ſhall underſtand his Majeſties pleaſure and intention for the levying of* 4000. *Foot within the City of* London *and Liberties, to go in this preſent expedition into the North parts; By which Letters your Lordſhip is referred to us for ſuch inſtructions and directions as ſhall be requiſite for that ſervice; We have therefore thought good hereby to pray and require your Lordſhip to take order in the firſt place, that Coat and Conduct money be levyed for them, ſo as it may not fail to be ready by that time the ſaid men*

men ſhall be raiſed; and that there be an eſpecial care had in the choice of the men, that they be of able bodies, and of years meet for this imployment, and well clothed; but none of the ſaid men are to be taken out of the Trained Bands, which you are ſtill to keep entire: Care is likewiſe to be had, and expreſs order to be given, that the men to be levyed, be all in a readineſs to march away by land by the firſt of July *next; and that they be brought by their Conductors to ſuch Rendezvouz as our very good Lord the Earl of* Northumberland, *Lord General of his Majeſties Army ſhall direct, there to be delivered to ſuch Captains or Officers, as ſhall be appointed by his Lordſhip to receive them. And for that it will be uncertain, what Conduct money will ſuffice for them, We think fit, that they be allowed eight pence a piece* per diem *ſterling for fourteen dayes from the time they ſhall be delivered to their Conductors, under whoſe leading they are to march by reaſonable journeys to the place of their ſaid Rendezvouz, which we expect ſhall not be under fifteen miles a day. And we further pray and require your Lordſhip to make choice of fit and able Conductors, and to make a reaſonable allowance, according to the preſidents of former times, having regard to the proportion and number of men they are to conduct; enabling them with ſome aſſiſtance to keep their men from ſtragling and pilfering the Countrey as they go, or from running from their Colours. And your Lordſhip is further to take care that they be commodiouſly provided of Coats. All which money to be employed for the Coating and Conducting of the Soldiers, and pay of the Conductors, you are to take order that the ſame be levied in the City and Liberties, according to the preſidents of former times upon other like occaſions of ſervice. And it is his Majeſties pleaſure, that the ſaid moneys ſo diſburſed, ſhall upon a juſt accompt thereof made, be repayed again out of his Majeſties Exchequer, as in former times upon the like occaſion. And we do likewiſe pray and require your Lordſhip, that at the delivery of the men to the Conductors aforeſaid, the number and names of the perſons may be received by Indenture between the ſaid Conductors and ſuch as ſhall have charge by your commandment to ſee the men delivered to them. Whereof one Duplicate is to be ſent to the Board, and another to the Lord General, to the end there may be an account given when the ſame ſhall be required.*

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Several Orders of the Council concerning ſeveral Mutinies of Soldiers in their march towards *Newcaſtle* againſt the *Scots*, in the Months of *June* and *July*.

At WHITE-HALL, June 21. 1640.

Preſent,

The King's Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Earl Marſhall.
Lord Admiral.
Lord Chamberlain.
Earl of Dorſet.
Earl of Holland.
Earl of Danby.
Earl of Morton.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebank.
Lord Chief Juſtice Littleton.

June 21. 1640. Concerning Riots in the County of *Berks*, and killing a Lieutenant (ſaid to be a Papiſt.) See more *p.* 1193.

'WHereas the Souldiers lately impreſſed in the County of '*Dorſet* for the ſervice of his Majeſty in this Expedition in-'to the North parts, did in their paſſage through the County of '*Berks*, and in or near the Town of *Farringdon*, being in number ſix 'hundred men or thereabouts, fall into a moſt inſolent and deſpe-'rate Mutiny, in which, amongſt other outrages by them commit-'ted, they did in a Cruel and Barbarous manner murder Lieutenant '*Mohoune* one of their Officers; upon conſideration had thereof, '(his Majeſty being preſent in Council) it was reſolved and orde-'red, That a *Proclamation* ſhould be forthwith drawn and publiſhed 'for the finding out and apprehending of the principal Actors and 'Abettors in the ſaid Mutiny and Murder: Whereof his Majeſties 'Attorney General is hereby required to take notice, and ac-'cordingly to prepare a Proclamation ready for his Majeſties 'Signature.

Another Letter concerning a Mutiny in *Warwickſhire*, was written to the effect following:

At

16 *Caroli.*

At WHITE-HALL, June 28. 1640.

Preſent,

The Kings moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Duke of Lenox.
Lord Marqueſs Hamilton.
Earl Marſhall.
Lord Admiral.
Lord Chamberlain.
Earl of Dorſet.
Earl of Salisbury.
Earl of Bridgewater.
Earl of Holland.
Earl of Berks.
Earl of Lanericke.
Earl of Corke.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.
Sir *Thomas Rowe.*
Lord Chief Juſtice of the Common Pleas.

Order concerning the Mutiny of Soldiers in the County of *Warwick* of Colonel *Lunceford's* Regiment.

'THis day (his Majeſty being preſent in Council) the Board was 'informed, that the Soldiers under the Regiment of Colonel '*Lunsford*, were fallen into ſuch a Mutiny againſt their Officers, and 'diſorders otherwiſe in the County of *Warwick*; in their paſſage 'through the ſaid County, as that a great part of them are *run* '*away*, and the reſt perſiſting in ſo much diſobedience, as that they 'are ready all to *diſband*; and that there is ſuch a general remiſs-'neſs and backwardneſs in the Deputy Lieutenants and others, to 'whom it appertains, to countenance and aſſiſt the Officers and 'Commanders in puniſhing and reducing them to conformity and 'obedience; and eſpecially in the raiſing and following of Hue and 'Cryes for the apprehending of thoſe that run away, as that they 'ſeem rather to foment, than to endeavour the ſuppreſſing and re-'formation thereof: upon conſideration and debate whereof had, 'and for that Information hath been given to the Board from other 'Counties of the like Mutinies and diſorders, and of the like remiſs-'neſs and backwardneſs, (though not altogether in ſo high a de-'gree) in thoſe that ſhould aſſiſt the Commanders and Officers for 'puniſhing and ſuppreſſing the ſame; whereby a great number of 'the Soldiers are disbanded and run away, to the great diſ-ſervice 'of his Majeſty and the publick, and the high contempt and ſcan-'dal of all Authority and Government: It was therefore reſolved 'and ordered, That a *Proclamation* ſhould be forthwith publiſhed 'throughout the Kingdom, requiring the Deputy Lieutenants and 'Juſtices of Peace in the ſeveral Counties, and all others to whom 'it appertains, that they uſe all poſſible diligence and endeavour 'for the apprehending and puniſhing according to the Laws, of all 'thoſe that ſhall be found to have run away from their Comman-'ders and Officers; and likewiſe that they aſſiſt and endeavour all

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'that possibly they may, in punishing and suppressing of the Mu-'tinies of the Soldiers against their Officers, or any other insolen-'cies and disorders by them committed: Whereof his Majesties At-'torney General is hereby required to take notice, and accordingly 'to prepare a Proclamation ready for his Majesties Signature.

The Privy Council being informed of another Mutiny in *Herefordshire*, and of some men slain, writ this Letter following.

A Letter directed to the Judges of Assize for the County of *Hereford*.

July 6. 1640. Concerning a Mutiny in *Lempster* in *Herefordshire*, wherein some were slain.

After, &c. *We send you here enclosed a Copy of a Letter of Captain* Hennis, *one of his Majesties Commanders, complaining against the Bailiff of the Town of* Lempster *and other Officers, who (as is informed by the said Letter) first committed upon some occasion one of his Majesties Souldiers, and after raised the Town in Arms against the Commander and his Company, and caused the men of the Town to charge against his Majesties said Commander and Souldiers, whereby divers of the said Soldiers were slain, many hurt, and twenty four gone away from their said Commander, besides the Serjeant and Drummer, in such manner as by the said Letter herewith sent, you will perceive more at large. But in regard we know not how the business was carried, nor what ground the Bayliff, and the rest had to commit the said Soldier and to proceed as they did to the execution which followed, we have thought good to pray and require you, at the Assizes shortly to be holden for that County, to examine very particularly the whole proceeding of that tumult and uproar, and to cause Justice to be done. For which purpose we have prayed and required our very good Lord the Lord General, that some on behalf of the Commanders and Souldiers may be there by the twentieth of this Month, to give information and testimony of the Complaint. And so we bid you*, &c. *Dated the* 6th *of* July 1640. *Signed*

Lord Privy Seal.
Earl Marshall.
Lord Admiral.
Earl of Dorset.
Lord Goring.
Sir Thomas Rowe.
Lord Chief Justice.

Another Alarm came to the Privy Council from the County of *Somerset*, touching the Death of a Lieutenant, by the Mutiny of Soldiers: whereupon this following Letter was writ.

A Letter from the Council Board, to the Lords Lieutenants of the County of *Somerset*.

July 17. Touching the Death of a Lieutenant by the Mutiny of the Soldiers.

Whereas we are informed that the Souldiers Levyed in that County, falling into a desperate Mutiny against some of their Commanders and Officers, have slain a Lieutenant *of a Company; Now to the end the same being of so high and dangerous Consequence may be exemplarily*

rily puniſhed, We do hereby pray and require your Lordſhips forthwith to cauſe ſome of the principal Actors and Abettors in the ſaid Mutiny and Murder to be apprehended and committed to the Gaol; and herein your Lordſhips are to cauſe the Trained Bands to be raiſed and aſſiſt if there ſhall be cauſe. And in regard the Aſſizes for that County are at hand, and that a proceeding againſt them at that time would be the more exemplary, we therefore pray your Lordſhips to cauſe all poſſible diligence to be uſed for the Apprehending and Committing of them, ſo as that they may be brought to a Tryal at the ſaid Aſſizes. And ſo &c. Dated the 17th of July 1640. Signed, 16 Caroli.

Lord Arch-Biſhop of *Canterbury.*
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs *Hamilton.*
Mr. Treaſurer.
Mr. Secretary *Windebanke.*

A further Order of the Privy Council concerning the Mutiny of the Souldiers in Dorſetſhire *in killing their Lieutenant to the effect following.* July 28. 1640.

Concerning the mutinies of the *Dorſetſhire* Souldiers in their paſſage through *Berks* killing their Lieutenant. * Whom they ſuſpected to be a Papiſt.

'WHereas the Souldiers lately preſſed in the County of *Dorſet*, for his Majeſties ſervice in this expedition into the Northern parts, did in their paſſage through the County of *Berks*, and in or near the Town of *Farringdon* (being in number *ſix hundred men* or thereabouts) fall into an inſolent and deſperate Mutiny, in which (amongſt other Outrages by them committed) they did moſt cruelly murther Lieutenant * *Mohoune* one of their Officers, and in a moſt Barbarous and an inhumane manner dragg'd him through the Streets, and after hang'd up his dead body. His Majeſty (now preſent in Council) out of a Princely care that an offence of this nature, and of ſo dangerous a conſequence ſhould not eſcape unpuniſhed, hath cauſed *John Ludlow*, *Robert Thrillcot*, and *Humphrey Edwards*, three of the principal Actors to be apprehended and committed to Priſon. And doth likewiſe order that a Proclamation ſhould be publiſhed, for the apprehending and committing to Priſon, *John Lock*, *John Gates*, *Jeffery Stacy*, *William Garlant*, *Richard Tice*, *Chriſtopher Frompton*, *John Parſons*, *Robert Dibbin*, *William Bunne*, and *Chriſtopher Drodge*, who were all likewiſe principal Actors and Abettors in the ſaid mutiny and murder; In which Proclamation alſo his Majeſties Royal tender of Grace and pardon is to be declared and publiſhed to all ſuch of thoſe ſix hundred Souldiers (other than the perſons before named) as either before the 13th day of *July*, now next coming, ſhall repair to *Blandford* in the ſaid County of *Dorſet*, and there render themſelves to his Majeſties Deputy Lieutenants of the ſaid County; or before the 25th day of *July* next ſhall render themſelves to Sr. *Jacob Aſhly* Sergeant Major General of his Majeſties Army at the Quarters at or near *Selby* in *Yorkſhire*, to be again received and imployed in his Majeſties ſervice. Whereof his Majeſties Attorney General is hereby required to take notice, and accordingly to prepare a Proclamation ready for his Majeſties ſignature.

An. 1640.

A Letter directed to the Lord Lieutenant of the County of *Dorset.*

A Letter from the Lords of the Council concerning the death of Lieutenant *Mohoune.*

After &c. *Whereas his Majesty by his late Proclamation occasioned by the Mutiny and Barbarous Murder of Lieutenant* Mohoune *by the Souldiers Levyed in the County of* Dorset *in their March and passage through the County of* Berks, *is pleased to declare and publish his Royal tender of Grace and pardon to all such of those six hundred Souldiers (other than the persons in the said Proclamation named excepted) who were guilty of the late Mutiny and Murder committed at* Farringdon *in the said County of* Berks, *as either before the said* 13th *day of* July *now next coming shall repair to* Blandford *in the said County of* Dorset, *and there render themselves to his Majesties Deputy Lieutenants of the said County, or before the* 25th *of* July *next shall render themselves to Sr.* Jacob Ashly *Sergeant Major General of his Majesties Army at the Quarters at or near* Selby *in the County of* York *to be again received and imployed for his Majesties service; We have therefore thought good hereby to pray and require your Lordship to give effectual order to your Deputy Lieutenants, That they cause such of them as shall render themselves by the time aforesaid to be kept together and to be sent by Conductors of their own, (to be appointed by the Deputy Lieutenants) to the General Rendezvouz at or near* Selby *in the said County of* York; *And for the defraying of that charge such Monies of the Kings as were intended to carry them to the said Rendezvouz which are remaining in the hands of Sr.* Thomas Culpeper *to be received from them by the Deputy Lieutenants, and to be employed on that behalf: and your Lordship is to cause the Deputy Lieutenants to give an account of such of the said Monies as they shall receive, and how the same is expended and imployed. And so* &c. *Dated* July 30th, *and Signed by*

Lord Arch-Bishop of *Canterbury.*	Lord Admiral.
Lord Keeper.	Lord *Cottington.*
Lord Treasurer.	Lord *Newburgh.*
Lord Privy Seal.	Mr. Secretary *Windebank.*

Another Alarm came to the Court of Insolencies committed by Souldiers in the County of *Essex*, whereupon this ensuing Order was made.

July 29. 1640.

A Letter directed to the Earl of *Warwick* and Lord *Maynard*, Lords Lieutenants of the County of *Essex.*

Insolencies of Souldiers in the County of *Essex.*

After &c. *to your good Lordships. We have been made acquainted with the Letter of the* 27th *of this present to Mr. Treasurer, and do not so much marvel at the* Insolencies *and outrages therein mentioned to be committed by the souldiers (though they be of a high nature) as at the remisness of those in Authority in not preventing or repressing the same in an exemplary way, according to the quality of the offences and the great trust reposed in them for the service of his Majesty, and the publick*

16 Caroli.

publick peace and quiet, and more particularly, that the high Sheriff who hath the power of the County at his Command ſhould ſuffer ſuch an outrage to be acted, and the Actors to eſcape unapprehended or unpuniſhed in the Town and place where himſelf hath his houſe and reſidence. And whereas we find by your Letter that William Bates *one of the Delinquents is already Committed to the Gaol of* Colcheſter, *and one other of them (whoſe name is not mentioned) to the houſe of Correction at* Chelmſford; *we think fit that the laſt ſhould be likewiſe committed to the Gaol of* Colcheſter, *and that charge ſhould be given for the keeping them both in very ſafe and ſtrict Cuſtody, and that your Lordſhips ſhould give order for a ſufficient watch and guard to be in readineſs near the ſaid Priſon or Priſons where they or any other their Aſſociates or Abettors ſhall be committed for the preventing of any violence, or reſcue that may be attempted by the Souldiers for their delivery out of Priſon. And we do likewiſe think fit that your Lordſhips ſhould cauſe ſpeedy and effectual order to be taken for the apprehending ſuch others as were principal actors therein, and to commit and continue them in ſtrict and ſafe Impriſonment until upon our acquainting his Majeſty herewithal, your Lordſhips ſhall receive further order and direction for proceeding againſt them, and that for the future more care and diligence be uſed for the ſuppreſſing of any the like inſolencies which ſhall happen to be attempted as well by raiſing the power of the County as by all other round and compulſory wayes. And ſo* &c. *Dated the* 29th *of* July 1640. *Signed*

Lord Arch-Biſhop of *Canterbury*.
Lord Keeper.
Lord Treaſurer.
Lord *Cottington*.
Mr. Treaſurer.
Mr. Secretary *Windebanke*.

A Letter to the Lord Chief Juſtice *Brampſton*.

July 30. 1640. Concerning a Mutiny near *Chelmsford* in *Eſſex*.

HIS Majeſty being informed of a Mutiny and Tumult that hath been lately raiſed at or near Chelmsford *in the County of* Eſſex, *by the Souldiers Levyed in that County for his Majeſties ſervice, hath been pleaſed to direct a Commiſſion of* Oyer *and* Terminer *to be forthwith ſent to your Lordſhip and others for the preſent puniſhment of ſome of the principal offenders to prevent further Miſchiefs and Inconveniencies.*

To which purpoſe your Lordſhip is by his Majeſties expreſs command to haſten to Chelmsford *to morrow, there to take effectual order that the ſaid Commiſſion be ſate upon with all poſſible diligence, that by the ſpeedy and exemplary puniſhment of ſome of the ſaid Delinquents, the reſt of the Souldiers may be kept in better order. And thus not doubting your Lordſhips ſpeedy and effectual care of a buſineſs of this Importance, We bid* &c. *Dated the third of* July, 1640. *Signed,*

Lord Arch-Biſhop of *Canterbury*.
Lord Keeper.
Lord Privy Seal.
Lord Admiral.
Lord Chamberlain.
Lord *Goring*.
Mr. Secretary *Windebanke*.
Sir *Thomas Rowe*.
Lord Chief Juſtice of the Common Pleas.

Having done with Mutinies of Souldiers in the moneth of *June* and *July*, let us now return to matters independent which hapned in thoſe two moneths.

At

An. 1640.

At the Court at WHITE-HALL,

June 9. 1640.

Preſent

The Kings Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.	*Earl of* Berks.
Lord Keeper.	*Earl of* Morton.
Lord Treaſurer.	*Lord* Goring.
Lord Privy Seal.	*Lord* Cottington.
Lord Duke of Lenox.	*Lord* Newburgh.
Lord Marqueſs Hamilton.	*Mr. Treaſurer.*
Earl of Dorſet.	*Mr. Comptroller.*
Earl of Salisbury.	*Mr. Secretary* Windebanke.

Order upon *John Crew* Eſq; his Petition.

'UPon Conſideration this day had at the Board of the Petition exhibited by *John Crew* Eſq; now cloſe priſoner in the *Tower*, 'for his miſcarriage and offence, expreſſed in an Order of the Board 'of the tenth of *May* laſt; their Lordſhips not being ſatisfied with 'the ſubmiſſion and acknowledgement by him made in the ſaid Pe'tition, in that he pretended rather to have done what he did out of 'Ignorance, than acknowledgeth it (as he ought to do) to be an 'offence; It was therefore thought fit that he ſhould not be diſchar'ged of his Impriſonment, until he had mended his Petition in that 'particular, and had likewiſe ſigned the Petition ſo amended under 'his own hand; and had alſo made an affidavit before a Maſter of 'the *Chancery* to the effect following, *viz.*

'The Petitioner maketh Oath that he hath delivered to the Lieu'tenant of the *Tower* all ſuch Petitions, Papers and Complaints as he 'received being in the Chair at the Committee for Religion the laſt 'Parliament, a Catalogue whereof was annexed to his Petition.

'For the making of which affidavit, the Lieutenant of the *Tower* 'is hereby authoriſed and required to permit him to go with a 'Keeper before a Maſter of the *Chancery*.

But the ſaid Mr. *Crew* did not think fit to do the ſame, and thereby to bring into Queſtion in the *High Commiſſion* many ſilenced Miniſters who had Petitioned the Parliament for relief, being ſuſpended and deprived for not reading the *Book of Sports* on the *Lords Day*.

16 Caroli.

A Letter from the Lord *Conway* to the Arch-Biſhop of *Canterbury*.

July 13. 1640.

The Lord *Conway* to the Archbiſhop of *Canterbury* of an *Alarm* from *Carliſle*.

THE *Deputy Lieutenants and Captain* Alcocke *did ſend me a fierce Alarm from* Carliſle, *deſiring me to ſend them five hundred Horſe, becauſe the Scots are within a few dayes of* Dumfriſe, *ſeven or eight thouſand, with which Army they mean to fall into* Cumberland, *but I am ſlow in anſwering the ſpur, becauſe the advertiſement of the Scotch preparations on this ſide are not ſuch as that they may be much feared as yet: in my opinion the Scots will not come into* England; *but leſt they ſhould go againſt the rules of right reaſon, I do provide as if they were coming; The Horſe are now come to the north part of* Yorkſhire, *into* Cleeveland; *the Foot about* Selby *were diſorderly, and took out of Priſon thoſe that were committed; but now a guard is ſet upon the Priſon, and they begin to be better in order.*

Concerning *Martial Law.*

One thing I will tell you, and ſhall deſire that you will ſpeak with my Lord Lieutenant in it: I did write to him of it, but I have not heard any thing from him, ſo that I think that in his ſickneſs, believing that my Letter did only contain news of Scotland, *he did not read it; the buſineſs is this, My Lord of* Northumberland *did write to me, that having had occaſion to look into the power he hath to give Commiſſions, the Lawyers and Judges are all of opinion that* Martial Law *cannot be executed here in* England, *but when an enemy is really near to an Army of the Kings, and that it is neceſſary that both my Lord of* Northumberland *and my ſelf do take a pardon for the man that was executed here for the mutiny; If this be ſo, it is all one as to break the Troops, for ſo ſoon as it ſhall be known, there will be no obedience; therefore put ſome remedy to this by all means very ſpeedily: there are now here in Priſon two men for killing of men, and the* Provoſt Martial *for letting them ſcape out of Priſon, although he took them again: I do forbear to call them to a Council of War, neither dare I tell the reaſon why I do not, being often urged, but ſuffer them to think me negligent; I do not think it fit that the Lawyers ſhould deliver any opinion; for if the Souldiers do know that it is queſtioned, they will decide it by their diſobedience, as the Countrey doth by their* Ship-Money, *and with far more dangerous conſequence, for the Souldier may bring the Countrey to reaſon, but who ſhall compel the Souldier? therefore if it cannot be helped with a Commiſſion of* Oyer *and* Terminer, *which muſt be only in the Officer or Officers of the Army, or in ſome ſpecial Commiſſion of the Kings, ſuch as he gives when Noblemen are arraigned; let him then give under his own hand a Commiſſion for the execution of Martial Law, to him that will hazzard his life and eſtate upon the Kings word Sir* Jacob Aſhley *hath no Commiſſion for the execution of* Martial Law, *but if the fault deſerve death, he is to advertiſe my Lord of* Northumberland; *this will abſolutely undo all: the Souldier muſt be puniſhed by his officer: if it would come to debate, ſome may peradventure ſay, that for faults that deſerve death, the Souldier may be ſent to the Gaol to be tryed by the Judges, this will take away the reſpect of the Souldier to the Officer, and there will preſently be no obedience, or care, either in Soul-*

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dier or Officer. I think that this doth so much concern the King in the Government of the Army, that if a Lawyer should say so here, if I had a Commission I would hang him, and so I think the King ought to do others. I shall ever be

Your Graces most humble and most faithful servant,

Newcastle June 13. 1640.

Conway *and* Kilulta.

June 17. 1640.

A Letter to the Lords Lieutenants of the Counties of *Cumberland* and *Westmerland.*

Watches to be kept upon the Borders of *Scotland* as usual.

After and amongst other particulars taken into Consideration by his Majesty and the Board concerning the safety and defence of the Realm; especially in those parts, which are most exposed to danger: these following being of great importance were resolved on as fit to be speedily and timely provided for; viz.

1. *That strict Watches should be kept upon the passages of the Borders into* Scotland *by the several Townships as formerly hath been* * *accustomed in times of Hostility, and that the Beacons be so watched and kept as that they be fit and serviceable upon any suddain occasion or Alarm.*

* *Spy Cragg.*

2. *That search and inquiry should be made what store of Corn there is in any of the Graineries or Barnes on the other side of the River of* Eden, *betwixt it and* Scotland; *and that no persons should keep by them more provision of any kind (especially of Corn) than should serve their Families respectively for a week, and the rest to be put in places of safety, lest the enemy might surprise and possess himself of it.*

3. *That it being the usual manner in those parts to take one thousand or fifteen hundred Cattle to Juyste or Depasture in the Summer time, and to have none but a boy or two to look to them; That those who receive the profits of the Juystment of those Cattle may be compelled to keep such and so many Herdsmen as may presently upon notice and warning, drive those Cattle over the* Eden, *that they may be the better secured from the pillage of the Enemy; We have therefore thought good in his Majesties name, and by his express command hereby to pray and require your Lordship, and in your absence your Deputy Lieutenants to give speedy and effectual order concerning the premises: hereof we require a speedy execution and your answer. And so* &c.

June 30. 1640.

A Letter to the High Sheriff of the County of *Huntingdon.*

A sharp Letter for not levying of Ship-Money.

After &c. *We have read and considered of your Letter of the* 24th *of this present, wherein we perceive that you have been rather industrious to represent the difficulties which (as you say) you find in the execution of his Majesties Writ, than circumspect and careful as you ought to have been in overcoming and removing them; and yet you well know that there are none of those difficulties against which you are not armed by his Majesties Writ, and for which you have not already received directions*

how

16 Caroli.

how to proceed by your Inſtructions, and former Letters from this Board. And we cannot but make this judgement upon your proceedings, that inſtead of doing your duty in perſon, and compelling others ſubordinate to you to do theirs, you endeavour to make excuſes both for your ſelf and them. And therefore we will you again to know, that his Majeſty and this Board expects and requires that you perform and expedite the ſervice according to the Writ and Inſtructions ſent you therewith. And in caſe of your further neglect therein, whereby you are the cauſe (for ſo much as concerns that County) that the ſervice of his Majeſty and the publick both in honour and ſafety ſhall ſuffer and be endangered, there will be a round Courſe taken againſt you, and quick and exemplary reparation required of you, proportionable to the ill effects and dangerous conſequence of your neglect; and if upon this admonition you ſhall refuſe to redeem your former Omiſſions and Diſſervice, and ſhall only make diſcourſes and excuſes as hitherto you have done, inſtead of acting and performing your Duty, this will likewiſe be added to your account, And ſo &c.

July 1. 1640. Concerning a *Commiſſion of Array* to Lords Lieutenants of *Counties.*

MR. *Attorney General* did this day preſent to his Majeſty and the Board, a Copy of the *Commiſſion of Array* ſetled by Parliament in 5 *Hen.* 4. Upon reading whereof, and upon mature debate had thereupon, It was thought fit and Ordered by his Majeſty, with advice of the Board, that the *Lord Keeper* of the Great Seal of *England* ſhall iſſue out *Commiſſions of Array* in the form aforeſaid, for each of the ſeveral Counties in *England* and *Wales*; directed to the Lords or Lords Lieutenants of the ſaid ſeveral Counties, and the Sheriff of the ſaid Counties, and ſuch other of the Deputy Lieutenants by their names or others, being three or more, as the ſaid Lords Lieutenants ſhall recommend. And his Majeſty and the Board did declare that there is no intention by this *Commiſſion of Array* to derogate from, or in any ſort to abridge the *Commiſſions of Lieutenancy* already iſſued, or to be iſſued, but that the Lords Lieutenants may make uſe of theſe concurrent *Commiſſions of Array*, where they ſhall find a fit occaſion for the advancement of his Majeſties ſervice.

A Letter to the Lord *Maynard*, Lord Lieutenant of *Cambridge.*

July 3. 1640.

Concerning *Horſes* and *Carters* to be brought to the Rendezvouz at *Newcaſtle.*

AFter &c. *Whereas the neceſſity of the defence of the Realm at this time doth continually require from us a care by all fit means to provide for the ſtrength and advancement of his Majeſties ſervice, and Army now in raiſing for the Northern parts and all things incident thereunto. For which purpoſe there is nothing more neceſſary than a fit proviſion to be made of Horſes for the Train of Artillery; and for the Carriage of Ammunition and other requiſite proviſions. We have thought fit to pray and require your Lordſhip to take order that there may be provided fifty ſtrong and able Horſes, and ſeventeen able Carters to take care of them within the Limits of your Lieutenancy in ſuch places where they may be moſt conveniently had, to be ready at* New-caſtle *upon* Tine *by the* 20th *of this inſtant* July. *And for the charge of ſending the Horſe and Carters to the Rendezvouz at* Newcaſtle, *that is to be born by that County; but when they ſhall arrive there they ſhall enter into*

An. 1640. *his Majesties pay of* 12d. per diem *for every Horse, and* 8 d. per diem *for every Carter, and shall be continued therein so long as they shall remain in his Majesties service, and when they shall be discharged, an especial care shall be had and a convenient allowance made for their return hom again. And Lastly, We do expect and require the Justices of peace and other officers in their several divisions to be aiding and assisting to your Lordship and your Deputy Lieutenants in the performance of all this service as they are directed by his Majesties Letters of Lieutenancy to you under the Great Seal, and as practice hath been in former times. Whereof the said Justices of peace and other Officers are to take notice upon your imparting these Letters unto them. And so* &c. *Dated the third of* July, 1640. *Signed by*

Lord Archbishop of *Canterbury*.
Lord Keeper.
Lord *Goring*.
Lord Privy Seal.
Lord *Newburgh*.
Mr. Secretary *Windebanke*.
Sir *Thomas Rowe*.
Lord Chief Justice of the Common Pleas.

July 4. 1640.

A Letter to Sir *Thomas Grimes* one of the Deputy Lieutenants of the County of *Surrey*.

concerning *Coat* and *Conduct Money* in the County of *Surry*.

AFter &c. *We send you here inclosed Warrants for apprehending of all the parties which you have returned refusers to pay the Coat and Conduct Money, and for the three Constables who have made you no return, and we have sent down two Messengers of his Majesties Chamber; but by reason that the Delinquents are so very many, we did not think fit to deliver the Warrants to the Messengers themselves, but have sent them inclosed unto you, to the end that by notifying to the parties either by the Messengers themselvet, or by such other means as you shall think fit, you may draw as many to Conformity as will be willing to avoid their further trouble and charge, and for those that shall stand out, you are to give direction upon whom they shall serve the Warrants, and then as many of them as shall conform, we do think fit that they be discharged there, without coming up to their further trouble and charge. But for such as shall not be Conformable, they must of necessity be brought up. In all which proceedings we do advise that the most able and the most refractory should be first begun with, and the rest by their example be reduced if it may be: and because in so general a case there may be some miscarriage by the Messengers under colour of their Fees; we have sent you a copy of the Order of the Board in that behalf of the ninth of* December 1635. *to the end it may be observed. And although we are willing to let you understand our Opinions for your better encouragement in these proceedings, yet because there may be much variety in the particular cases, we do rely our selves upon your discretion (whereof we have received good proof in your long service) for direction of the execution of the inclosed Warrants, as you shall find most conducing to his Majesties service. Dated the* 4th *of* July, 1640.

At

16 *Caroli.*

At WHITE-HALL, July 5. 1640.

Present

The Kings Most Excellent Majesty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Marqueſs Hamilton.
Earl Marſhall.
Earl of Salisbury.
Earl of Bridgewater.
Earl of Holland.
Earl of Berks.
Earl of Strafford.
Earl of Corke.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.
Sir Thomas Rowe.
Lord Chief Juſtice of the Common Pleas.

Mr. Attorney to proceed againſt the Lord Mayor and Sheriffs of *London* and *Middleſex* in the *Star-Chamber.*

'WHereas the Lord Mayor of *London* and the two Sheriffs did 'this day appear before his Majeſty and the Board, to give 'an account of their proceedings upon the Writ for the *Ship buſineſs* 'this preſent year: Foraſmuch as it did appear, that beſides all 'former neglects in the execution of that Writ, his Majeſty having 'reſpited the Information againſt them for the ſame; yet they have 'not ſince diſtrained any one perſon according to the ſaid Writ. It 'was this day ordered by his Majeſty with the advice of the Board, 'that his Majeſties Attorney General ſhall forthwith prefer an Infor-'mation in the *Star-Chamber* againſt the Lord Mayor and Sheriffs of '*London* and *Middleſex*, for their contempt and default in the execu-'tion of the ſaid Writ; and ſhall forthwith proceed againſt them '*De die in Diem*, until the Cauſe be ready for hearing: and if upon 'Examination of the ſaid Cauſe, his Majeſties Attorney General ſhall 'find ſufficient Cauſe againſt any of the Aldermen, that then he do 'prefer one other Information againſt the ſaid Aldermen; and in 'like manner do proceed againſt them apart.

Several Letters written of the tenour following, to moſt of the Juſtices of Peace of the County of *Middleſex*, for the gathering in of the *Coat* and *Conduct Money* in the ſaid County.

July 12. 1640.

Concerning Coat and Conduct-money in the County of *Middleſex.*

AFter, &c. *Whereas we have received a Certificate from you of your proceedings for the Collection of the Coat and Conduct Money in your Diviſion, for which we give you thanks; we have thought fit to ſend you here incloſed, Warrants for apprehending of all the parties which you have*

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have returned to refuſe to pay the ſaid Coat and Conduct Money, or otherwiſe to perform their duty in that ſervice, which we have ſent by a Meſſenger of his Majeſties Chamber. But by reaſon that the Delinquents are ſo very many, we did not think fit to deliver the Warrants to the Meſſengers themſelves, but have ſent them incloſed to you; to the end, that by notifying to the parties, either by the Meſſengers, or by ſuch other means as you ſhall think fit, you may draw as many to conformity as will be willing to avoid their further trouble and charge, and for thoſe that ſhall ſtand out, you are to give direction upon whom the Meſſengers ſhall ſerve the Warrants, and then as many of them as ſhall conform, we do think fit that they be diſcharged there by you, without coming up to their further trouble and charge. But for ſuch as will not be conformable, they muſt of neceſſity be brought up. In all which proceedings we do adviſe, that the moſt able and moſt refractory ſhould be firſt begun with, and the reſt by their example be reduced, if it may be. And although we are willing to let you underſtand our opinion for your better encouragement in theſe proceedings, yet becauſe there may be much variety in the particular caſes, we do rely our ſelves upon your diſcretion, (whereof we have received good proof in your laſt ſervice) for direction of the execution of the incloſed Warrants, as you ſhall find moſt conducing to his Majeſties ſervice. And laſtly, whereas by our former Letters to you, you were limited to give us an account by the ſeventh of July, *we have now thought fit, to enlarge the time until the eight and twentieth of this Month; at which time we do pray and require you to return us a new Certificate, how you have proceeded ſince the receipt of theſe our Warrants, in the like manner as your former Certificate was made.*

At WHITE-HALL, July 12. 1640.

Sheriff of *Suffolk* to be proceeded againſt in the *Star-Chamber.*

'HIs Majeſty and the Board taking notice of the great neglect and contempt of Sir *Symonds Dewes* Knight, now High Sheriff of the County of *Suffolk*, in not executing the Writ for the *Shipping buſineſs* for this preſent year, have thought fit and ordered, that Mr. Attorney General ſhall forthwith proceed againſt the ſaid Sir *Symonds Dewes* in the *Star-Chamber.*

From

16 *Caroli.*

From *Northamptonshire, July* 1640.

Grounds of exception againſt the Oath, &c. required in the Sixth Canon eſtabliſht in the Synod 1640.

1. THe taking of this Oath doth ſeem to eſtabliſh the legality of it, and prepare a way for the impoſing of other new Oaths; whereas it is queſtionable, whether any Oath may be impoſed, not eſtabliſh't and appointed by Parliament.

2. The taking of it, may ſeem to approve the exacting of it of all the perſons of whom it is required; many of whom cannot take it (probably) in judgement, as not being acquainted with the Doctrine and Diſcipline of the Church, nor the Controverſies concerning them.

3. It is required, we ſhould ſwear all things neceſſary for ſalvation to be contained in the Doctrine and Diſcipline of the Church of *England.*

1. It is not declared, What is to be accounted the Doctrine of the Church.

The Book of Homilies hath been diſclaimed: The Articles claimed by the *Arminians* and others, and ſome of them corrupted.

2. It hath not been conceived, that any particular kind of Diſcipline was neceſſary to ſalvation.

The *Presbyterians* have been derided and writ againſt, for making the Diſcipline a part of the Kingdom of Chriſt.

It's acknowledged, That the Reformed Churches that differ from us in Diſcipline, want nothing neceſſary to ſalvation.

4. It's required to ſwear, Not to conſent to the alteration of the Government by Arch-Biſhops, Biſhops, Arch-Deacons, *&c.* as it is by Law eſtabliſhed, and by right they ought to ſtand: which Clauſe we dare not ſwear to, for theſe cauſes:

1. Becauſe we judge it unlawful to ſwear the perpetuation of any meer Eccleſiaſtical Ordinance which is ſubject to ſuch corruptions as may neceſſitate an alteration; and ſuch we judge this Government to be, at leaſt in part; for Arch-Biſhops, Arch-Deacons and Deans are but Eccleſiaſtical, whatever may be ſaid for Biſhops.

2. We have taken the Oath of Supremacy, by which we acknowledge the Kings Majeſty and his Succeſſors Supream Head of the Church, and Governour in Cauſes and over Perſons Eccleſiaſtical as well as Civil, which this Oath ſeems to contradict.

In that,

1. It binds from conſenting to the alteration of Church Government, ſo that if the King or his Succeſſors ſhould alter it,

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it, we muſt diſſent and preach againſt them, as in the eighth Canon.

2. It binds to acknowledge a further Right that Arch-Biſhops and Biſhops, *&c.* have in the Government of Church, than that which is given them by Law, meaning a Divine Right, as we are induced to believe:

Becauſe,

1. Many Biſhops have ſo declared themſelves.
2. In the firſt Canon they have not given the King any power in Eccleſiaſtical Government, diſclaiming only Papal, Popular, Independent, co-active power, but not Epiſcopal; whereas the Controverſies of this time require a more preciſe and open declaration.
3. It ſeems to make more account of the Diſcipline, than of the Doctrine of the Church; for in that we abjure Conſent to any alteration, in this we abjure endeavour to induce Popiſh Errours only.
4. This Clauſe is adminiſtred with an *&c.* which we conceive was never tendered in any Oath before now.
5. There are ſome things in the Diſcipline of the Church, which we have juſt ground to deſire and endeavour the alteration of, ſhould it be offered. As,

That the Biſhop delegates his power to be officiated by a Chancellor, whereby it comes to paſs, that the ſentence of Excommunication, which is incompatible with a meer Lay-man (as our Church teacheth againſt *Preſbyterians*) is devolved upon a meer Lay-man, and the Plaiſter provided by the thirteenth Canon is too narrow for this ſoar.

For,

The Grave Miniſter to whom the pronouncing the Sentence belongs, is but the Chancellors Voice to ſpeak what he decrees; and ſo the power of Excommunication is ſtill in him.

5. The whole Oath is filled with ſo many ambiguities, that we dare not take it.

6. The taking of it, makes us approve of the Synod, by which there are induced and tolerated divers Ceremonies contrary to the Book of Common Prayer, which we have ſubſcribed unto, and muſt in this Oath (if we take it) abjure.

7. It is required, to be taken heartily and willingly, and yet they that refuſe it, are threatned with ſevere puniſhments; by which means it is to be feared, that many that are weak, may forſwear themſelves.

The

16 *Caroli.*

The Queries of Kent *concerning the Oath &c.*

1. WHether it be lawful to take an Oath with an *&c.* where there may be a doubt, how much is thereby ſignified?
2. Whether to affirm in an Oath, that ſuch a thing ought ſo by right to ſtand, doth not ſuppoſe it to be a Divine Right?
3. Whether it be lawful to ſwear the perpetual maintaining any Order meerly Eccleſiaſtical?
4. Whether the Superiority of Arch-Biſhops above Biſhops, and the ſubſtitution of Arch-Deacons, Deans, *&c.* be not meerly Eccleſiaſtical.
5. Whether when Divine Authority hath ordained only Biſhops to be Church Governours, particularly in point of Excommunication, it be lawful to conſent any more than paſſively, to any other Governours Eccleſiaſtical, to exerciſe the ſame Authority of Excommunication?
6. Whether ſince the Church of *England* rejects the Lay Elders of other Churches, it doth not thereby condemn the giving of any power to Commiſſaries, Chancellors and Officials which are meerly Lay-men, to meddle in Excommunication even jointly with Miniſters, much leſs as chief Surrogates, being but his Deputies and Eccleſiaſtical?
7. Whether the Scriptures Authorize ſuch power being given to meer Lay-men?
8. Whether having ſworn to the Kings Supremacy in all cauſes Eccleſiaſtical, it be not a violation of that Oath, or at leaſt a hazard of it in time to come, to ſwear not to give conſent to ſuch an alteration in Government, which may at leaſt poſſibly be thought fit, and even be commanded with all Authority by the King or any Succeſſor of his hereafter.

Devonſhire *Exceptions to the Oath.*

1. THat they are bound to take it willingly, which they cannot do with ſafe Conſcience, and ſo ſhall be perjured *ipſo facto.*
2. That they muſt ſwear ſincerely, without any mental reſervation, yet that *&c.* in the Oath, referreth and implyeth ſomewhat more than is expreſſed, which they muſt conceive or underſtand.
3. That they muſt acknowledge both the Doctrine and Diſcipline of our Church, to contain all things neceſſary to ſalvation: which is not true of the Diſcipline.
4. That they are tyed never to give conſent to any alteration of the ſaid Diſcipline, though the King and State ſhould enjoyn them thereunto.
5. That it croſſeth or contradicteth the Oath of Allegiance and Supremacy which they have already taken; becauſe if the King by Parliament would diſanull any part of the Eccleſiaſtical Diſcipline, or by a Synod ſhall alter it, they are bound never to conſent.

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6. That it is a flat bandy against the power of Parliaments; because the Clergy can constitute no Canons, much less create or impose Oaths, unless the Parliament confirm them; and therefore they think it a project to suppress all Parliaments for ever.

7. That it clips the wings of the Kings Royal Prerogative and Spiritual Supremacy, bereaving him and his Successors from altering any thing in Church Government, either by Synod, Convocation or Parliament.

The main foundation the Clergy build upon, is the general resolution of the Lawyers, that no Oath can be ordained, nor any authorized to give it, unless it be first established by Parliament.

This Week being our Assizes, the Gentry and Clergy have taken much pains to frame a Petition against the Oath in the new Canon, wherewith goeth the heads on which they ground their Petition: my Lord of *Bathe* first firmed it, most of the Gentry and Clergy that were here have firmed it; and they say Mr. *Wise*, and Mr. *Seymour*, our Parliament Knights, have undertaken to deliver it, what ever answer they have. I believe very few in this County will take the Oath; besides it doth open mens mouths extreamly against the Arch-Bishop.

August 8. 1640.

To the Right Honourable the Lords of His Majesties most Honourable Privy Council.

The most humble Petition of the Subscribers, with the Consent of many Gentlemen and others of good Worth of this County of *Devon*,

Sheweth,

A Petition from *Devonshire* against the Oath, &c.

THat your Petitioners observing to their comfort, your Lordships constant providence for his Majesties honour and service, and by experience often finding your Lordships to be favourable Mediators to his most excellent Majesty in behalf of his Subjects in many of their Grievances, which his Majesty hath lately graciously declared himself ready to redress, they are thereby heartened to tender to your Lordships consideration, some scruple of their Consciences, and other doubts of great inconveniencies arising from the Oath expressed in Canons lately made by the Reverend Synod, which as they conceive, do not only concern your Petitioners and their posterity, but his Majesty and his Successors in his Royal Dignity and Prerogative: his Majesties Supremacy of the Church of England, *whereunto most of your Lordships Petitioners have been often sworn; and by that Oath, are in express words bound to defend it; they believe will be mainly weakned, if not in substance totally subverted and taken away, if this new Oath doth receive the intended permission. The Doctrine of this Church, no good Protestant*

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ſtant will deny, to contain all things neceſſary to ſalvation; but the Diſcipline, many men think worthy of Reformation. The Book of Common Prayer in the Communion doth wiſh it, and the late Synod endeavoured it in part Canon 17. had they thought fit to have done it more fully, their Acts confirmed by his Majeſty had been no leſs lawful; for moſt of the Officers of Diſcipline, have their Juriſdiction meerly from the King, as is plainly declared 37 H. 8. 17. and it cannot be denyed, but that they may by him be changed. What pretence then can be ſo fair, or intention ſo good, as to juſtifie an Oath binding ſubjects from ever conſenting to their Princes lawful Prerogative in doing lawful acts? It muſt needs in ſhort ſpace make the whole Clergie and moſt of the Laity to be in Spiritual matters independant on the Crown. If the abuſe of Excommunication, which hath been a long noted ſpot in our Church, cannot be really Reformed, until that long Liſt of Officers which the Synod thought fit to involve in an &c. and are not known to many, do ſuffer a change by his Majeſties Royal Prerogative, then certainly this Oath once generally taken, his Majeſty will want means, becauſe he ſhall have no inſtruments (indeed no Subjects) when the younger Laity ſhall take it in the Univerſities, to make this Reformation in Diſcipline, whenſoever God ſhall put it into his religious and Princely heart; ſo will his Majeſty and his Succeſſors to the great grief of your Lordſhips Petitioners, be for ever abridged of that free power in the Supremacy of this Church, which their Anceſtors ever had and have enjoyed as their due right and chief flower of their Crown ſince the Popes juſt rejection: had this courſe been thought on in the time of the Popes reign here, the Doctrine of the Church had never attained the preſent purity. Other inconveniencies which your Lordſhips Petitioners confidently ſuppoſe, will follow the taking this Oath, will be theſe; no decreaſe of Popery as is pretended, every Changeling to that Religion may have his diſpenſation for this or any other Oath: But this Oath ſtriking deeply at the root of many Conſcientious and conſtant preaching Miniſters, whoſe purity and zeal to the peace of the Church, hath led them hitherto to dutiful conformity, muſt needs deprive them, if they take not the Oath, both ab Officio & Beneficio, and conſequently duce a general ignorance, the mother only of Popiſh devotion. Again, your Petitioners do verily believe, that this Oath uſed as is enjoined in the Univerſities, will in ſhort ſpace prove their great dammage and decay: for all thoſe that account it croſſing with the Oath of Supremacy, will ſeek their Childrens breeding in any other Countrey rather than this, where they will be ſubject to an enlargement, oppoſite to the Laws of this Kingdom, namely, the 25 H. 8. 19. and 37 H. 8. 17. and 1 Eliz. 1. and the other binds to nothing but to duty and obedience to the Laws, and the defence and maintenance of his Majeſties Royal Prerogative as Supream Head of this Church, by the Oath of Supremacy the takers are bound to defend it; and by this new Oath taken they muſt never conſent to the uſe of it in matters of greateſt moment: It is therefore the moſt humble deſire of your Lordſhips Petitioners, that your Lordſhips would vouchſafe your noble mediation to his moſt excellent Majeſty, that he would be pleaſed pioufly to weigh theſe doubts of theirs, no leſs concerning his undoubted Right, than it doth the growth of the true profeſſed Religion, as dear to them as their lives, and their conſciences no leſs dear to your Lordſhips moſt humble Petitioners.

An. 1640.

Scotland, *June* and *July*.

LEt us see what they have been doing in *Scotland* these two Months of *June* and *July*: for on the second of *June* there was a Parliament to meet; but it seems the King had sent an Order to the *Justice Clerk* to Prorogue it; and he is to carry along with him in this affair, the Assistance of the *Kings Advocate*, who was at this time confined to his house in *Fife*, upon pretence of some miscarriage in his Office; but really because he was suspected to adhere to the Covenanters: the *Advocate* was glad upon this occasion to be delivered from the disgrace of Confinement, and to be honoured with the Employment.

Concerning the Proroguing of the Parliament.

It is to be observed, that when *Traquaire* got his Commission under the Broad Seal, there was another Commission given under the Quarter-Seal to the Lord *Elphingstown*, the Lord *Napier*, the *Kings Advocate*, and the *Justice Clerk*; these, or three of them, were impowred to act as Commissioners in *Traquaire*'s absence: and upon his Orders therefore the *Kings Advocate* adjudged it needless to fill up a Blank that was sent down to be made use of, if need were, to make the Prorogation Legal, but resolved to require one of the other two to concurr with the *Justice Clerk* and himself in the Prorogation, which was to be done after the Parliament was *Fenced*: therefore they provided the persons necessary for Fencing of it, (a Ceremony they use in the beginning of a Session) who are the *Constable*, the *Marshal*, the *Provost* of *Edenburgh*, the *Sheriff* of *Lowthian*, and a *Doomster*; and if any of these be absent, the King must name others for their service that day. So the Members of Parliament being met, the *Kings Advocate* required the Lord *Elphinstown*, who was first in the Commission, to go up with them to the Throne, for executing the Kings Commands; who having read the Commission, found their Power was only to act by the Commissioners Order, and therefore called for *Traquaire*'s Warrant: The *Kings Advocate* answered, That as when the King is present, a Commissioners Power of it self expires; so also when his Warrant is produced, there is no need of one from his Commissioner: but *Elphinstown* stood on the Letter of the Commission, and so found he was not Legally warranted to do it. The like was the Lord *Napier*'s Answer, who was also of the Commission; and so the *Kings Advocate* and the *Justice Clerk* could do nothing, but take Instruments.

By which Deportment of the *Advocate*, the Members of Parliament proceeded to Vote themselves to be in a Parliamentary Capacity, as being Summoned by the King at first, and again Adjourned to this day. Whereupon they proceeded to the Enacting of what they had designed the former year: and their Acts, though of great importance, yet meeting no opposition, were quickly dispatched. All which, with a Prologue and Epilogue of two High Declarations, were sent in the Pacquet to the Earl of *Lanrick*, with the following Letter, written by a Committee of Lords, whom they had left to sit at *Edinburgh*, to attend the Kings Answer concerning the Acts of the Parliament sent up to his Majesty by their Commissioners.

A Letter from the Council in *Scotland* to the Earl of *Lanrick*.

Right Honourable,

IT is not unknown to your Lordship, with what difficulties this Kingdom hath wrastled this time past, in asserting their Religion and Liberties against the dealings of bad Instruments with his Majesty to the contrary.

trary. The means which they have used, have been no other, but such as they humbly petitioned and obtained from his Majesty, a free National Assembly and Parliament. The Assembly went on in a fair way, and was closed with the liking and full consent of his Majesties Commissioner; but the Parliament Indicted by his Majesty was prorogated, till the Reasons of the Demands of the Estates were rendered to his Majesty; which having done by their Commissioners, they kept the second of June (the day appointed by his Majesty) for the sitting of the Parliament: and after diligent Enquiry, hearing nothing from his Majesty nor his Commissioner, neither by their own Commissioners or any others sent from his Majesty, which might hinder the Parliament to proceed to the setling of their Religion and Liberties, after mature deliberation, and long waiting for some signification of his Majesties pleasure, they have all with one consent resolved upon certain Acts, which they have adjudged to be most Necessary and Conducible for his Majesties Honour and the Peace of the Kingdom, so far endangered by delayes: and have committed to us the Trust to shew you so much, and withal to send a just Copy of the Acts, that by your Lordship (his Majesties Principal Secretary of Scotland) they may be presented to his Majesty. The Declaration prefixed to the particular Acts, and the Petition in the End contain so full expressions of the warrants of the Proceedings of the Estates, and of their humble continued desires, that no word needs to be added by us. We do therefore in their Name (according to the Trust committed to us) desire your Lordship (all other ways of Information being stopt) with the Presenting of the Acts of Parliament, to represent unto his Majesty against all suspicions, suggestions and tentations to the contrary, the constant love and loyalty of this Kingdom unto his Majesties Royal Authority and Person, as their Native King and kindly Monarch: And that they are seeking nothing but the Establishing of their Religion and Liberties under his Majesties Government, that they may still be a free Kingdom, to do his Majesty all the honour and service that becometh humble Subjects; that their Extremity is greater, through the Hostility and Violence threatned by Arms, and already done to them in their Persons and Goods, by Castles within, and Ships without the Kingdom, than they can longer endure: And that as his Majesty loveth his own Honour and the Weal of this his Antient Kingdom, speedy course may be taken for their relief and quietness; and that if this their Faithful Remonstrance (to which as the great Council of the Kingdom they found themselves bound at this time for their Exoneration) be passed over in silence, or answered with delayes, they must prepare and provide for their own defence and safety. We are very hopeful, that your Lordship (as a good Patriot, and according to the obligement of your place) will not be deficient in that duty for your Native Countrey, and send us a speedy Answer, as we shall in every duty be careful at all occasions to shew our selves

Your Lordships humble Servants.

Signed

Balmerino.
Burghly.
Napier.
Thomas Hop.
John Murray.
John Hamilton.
George Dundas.
John Smith.
Ed. Egger.
Thomas Patterson.
Ja. Sword.

The

An. 1640.

THE *Covenanters* at this laſt meeting of the Parliament did ſign a Bond among themſelves, for adhering to thoſe Acts, and proſecuting of thoſe who had been the *Incendiaries* from the beginning of thoſe Stirs; the chief of which they accounted, were Marqueſs *Hamilton* and *Traquaire*; but this buſineſs gave great offence to the King, and he judged himſelf bound to repair this Affront with the Sword.

ON the twenty ſeventh of *June* the Earl of *Lanerick* returns Anſwer to the Committee in *Scotland* to the effect following:

The Earl of *Lanerick*'s anſwer to the Committees Letter.

My Lords,

BY *my former of the date of the* 23d *of* June, *his Majeſty was pleaſed to promiſe by me, to let you know within few dayes his further pleaſure concerning thoſe proceedings and deſires of the Noble-men, and Barons, and Burgeſſes, which you ſent me to be preſented to his Majeſty; whereupon he hath now commanded me to tell you, that the Not Proroguing of the Parliament in a Legal and formal way, was not for want of clear Inſtructions, and of full and ample Power from his Majeſty, he having fully ſignified his pleaſure to thoſe whom he did entruſt with the executing thereof, not thinking it fit to employ other Servants of greater Eminence, by reaſon of the diſorders and Iniquities of the times: and as forced by the importance of his other great and weighty affairs, he was neceſſitated to Prorogue the Parliament for ſome few dayes, ſo did he moſt really intend to perform at the time prefixed, whatſoever he had promiſed by the Act of Pacification; but neither can the neglect of his ſervants, (if any be) nor thoſe other Reaſons alledged by the foreſaid Noble-men, Barons and Burgeſſes, in their Declaration for their ſitting, ſatisfie his Majeſty for their proceeding in a Parliamentary way; ſince by the Duty and Allegiance of Subjects, they are bound to acknowledge in a moſt ſpecial manner his Tranſcendent Power in Parliaments. And if Subjects there do aſſume the Power of Making Laws, and Reſcinding thoſe already made, what Act can be done more Derogatory to that Regal Power and Authority we are all ſworn to maintain? Therefore his Majeſty conceives, they cannot in reaſon expect he can interpoſe his Royal Authority to theſe, or any other Acts whatſoever, whereto neither he in his own real Perſon, nor by his Commiſſioner did aſſiſt. Yet ſuch is his Majeſties Clemency, that when they ſhall take ſuch an humble and dutiful way, as may witneſs, that they are as careful and tender of his Majeſties Royal Power, as they are deſirous of his Approbation, then ſhall it be time for them to expect ſuch a Gracious and Juſt Anſwer, as may teſtifie his Majeſties Fatherly Compaſſion of that his Native Kingdom, and his Pious and Princely care of performing whatſoever is neceſſary for Eſtabliſhing their Religion and Laws. So thus having imparted unto you all that was enjoyned me by his Majeſty, I ſhall ſay no more from my ſelf, but I am*

Your Lordſhips humble ſervant,

White-Hall, *June* 27. 1640.

Lanerick.

To

16 Caroli.

To which the Committee on the seventh of *July*, made this Reply following to the Lord *Lanerick*.

My Lord,

A Reply from the Committee.

WE received your Lordships Letter of the twenty seventh of June *from the Lord* Lowdon, *whose Relief out of Prison gives us occasion (before we answer your Lordships Letter) to acknowledge the same as an Act of his Majesties Royal Justice and Goodness, although the pretended Cause of his Imprisonment, was but a Malicious Calumny of the Enemies of the Kings Honour and our Peace, forged to engage both his Majesties Kingdoms in a National War. As we cannot but regret, that any Neglect of his Majesties Officers, or absence of his Commissioner, whose presence we did both desire and expect, should hinder the interposing of his Royal Authority to these Acts of Parliament, which were found most necessary for establishing Religion and the Peace of this Kingdom, and which according to the Acts of Pacification, his Majesty was Graciously pleased to promise; so we have and shall still endeavour, to give demonstration of that tender Respect we have of his Majesties Honour and Royal Power. And whereas your Lordships Letter doth imply, that we should take some other way for the more easie obtaining of his Majesties Approbation, which also by several reasons hath been most instantly pressed by the Lord* Lowdon, *yet we conceive, that Parliamentary way, which was taken by the Estates Convened by his Majesties special Warrant, to have been most Legal and Necessary, and no wayes Derogatory to his Majesties Power in Parliament, nor contrary to the Duty of good Subjects, who are warranted by the Articles of Pacification under his Majesties hand, to Determine all Civil Questions, Ratifie the Conclusions of the Assembly, and remove the present Distractions of this Kingdom, as is more abundantly demonstrated by their Declaration in Parliamentt hereabout; so that we dare not take any other course, which may entrench upon their Parliamentary Power or Proceedings, nor will we, (being so few in number appointed to stay here) presume of our selves, in a matter of so great moment, to return a more full and particular Answer, till there be a more frequent meeting of those appointed by Parliament, which will be shortly; and then your Lordship shall be acquainted, that you may shew his Majesty their resolutions and humble desires: and we shall remain*

Your Lordships Affectionate Friends and Servants,

Edinburgh July 7. 1640.

Signed

Lindsay.
Balmerino.
Burghly.
Napier.
J. Murray.

G. Dunglas.
Ja. Sword.
J. Forbes.
Ed. Eggar.

Towards

*An.*1640.

TOwards the latter end of this Month and the beginning of *Auguſt* the *Scots* were very Active in raiſing their Forces, and impoſing a Tax of a tenth Penny upon every mans Rents throughout the Kingdom, towards the maintenance of their Army to march into *England*; and advanced part of their Forces Southward: but General *Leſly* was reſolved not to move with the whole Body, till he was Maſter of *Edinburgh* Caſtle, conceiving it unſafe to leave a place of that ſtrength behind him, which was kept for the King by *Ruthwyn* the Governour, a man of known Courage: who nevertheleſs being ſomewhat ſtraitned for want of Ammunition and Victuals, and the falling away of the Water into the Rock of the Caſtle, by the often diſcharging of his great Guns, was conſtrained to Capitulate, and ſo the Caſtle was delivered up to the *Covenanters*. And now General *Leſley* prepares all things in order to a March with the whole Army.

Let us now return to give an account of Affairs in *England*, where we left in the Month of *July*.

THe Kings Army in their March to *Newcaſtle* in the Month of *July*, quartered much in the County of *York*; and being Billeted upon the Inhabitants, grew to be a great Burthen to the Country: whereupon the Gentry of the ſaid County of *York* aſſembled at the Aſſizes at *York* on the 28th of *July*, agreed upon this following Petition to be preſented to the King.

To the Kings Moſt Excellent MAJESTY.

The humble Petition *of the Gentry of your Majeſties County of* York *now aſſembled at the Aſsizes at* York July 28.1640.

May it pleaſe your Sacred Majeſty,

'YOur moſt humble Subjects ſhew unto your Sacred Majeſty, 'that in all humility this Countrey had endeavoured to ful-'fil your Majeſties Commands with the forwardeſt of your Majeſties 'Subjects, and the laſt year in the execution of your Majeſties Royal 'Commands about the Military Affairs did expend one hundred 'thouſand pounds to our great impoveriſhment, and far above the 'proportion of other Counties; which although at that time we 'were willing (out of a deſire to ſerve your Majeſty) to do, yet 'for the future the burthen is ſo heavy, that we neither can, nor are 'able to bear it. Now upon this our cheerfulneſs to ſerve you, we 'thought to have found equal favours with other Counties.

'But

16 *Caroli.*

'But ſo it is, moſt Gracious Soveraign, to our great grief, and '(as we conceive) to the great diſ-ſervice of your Majeſty, we 'find our ſelves oppreſſed with the Billetting of unruly Soldiers, 'whoſe Speeches and Actions tend to the burning of our Villages 'and Houſes, and to whoſe Violences and Inſolencies we are ſo daily 'ſubject, as we cannot ſay we enjoy our Wives, Children and 'Eſtates ſafely: wherefore we are emboldned, humbly to preſent 'theſe our Complaints, beſeeching that as the Billetting of Soldi-'ers in any of your Subjects houſes againſt their will, is contrary 'to the Antient Laws of this Kingdom confirmed by your Majeſty 'in the *Petition of Right*, we moſt humbly pray, that this inſuppor-'table burthen be taken from us, leſt by their Inſolencies ſome 'ſuch ſad Accidents may happen, as will be much diſpleaſing unto 'your Sacred Majeſty and your Loyal and Obedient Subjects, who 'will never ceaſe to pray for your Majeſties long and happy Reign 'over us.

Phillip Wharton.
Ferdinando Fairefax.
Henry Bellaſis.
William Savile.
Francis Wortley.
Thomas Gower.
Jo. Hotham.
Ed. Stanhop.
Henry Griffith.
William Sheiffeild.
Richard Darly.
Jo. Ramſden.
Hugh Cholmeley.
Hugh Bethell.
William Strickland.
Thomas Remmington.
Thomas Metham.
Robert Strickland.
Jo. Legard.
George Buttler.
Francis Mountone.
Henry Cholmeley.
George Trotter.
Henry Darley.
Richard Remington.
William Franckland.
Thomas Hebblethwaite.
Jo. Hotham.
Chriſtopher Pearcihey.
Joſ. Pearcey.
Brian Stapleton.
Phillip Stapleton.
Ing. Hopton.
Henry Anderſon.
George Crosbie.
George Marwood.
Thomas Hisketh.
Jo. Anlabie.
Chriſtopher Legard.
Jo. Inglebie.
Mar. Norcliffe.
With divers others.

THis Petition being thus agreed unto, was ſent up by ſome of the Gentry of the County of *York* to the King then at *London*, and the ſame being preſented at the Council Board (the Earl of *Straffford* being preſent) his Lordſhip thought fit to acquaint his Majeſty, that he conceived the Petitioners were miſtaken in computing the Charge of the laſt years Expedition, in ſaying it amounted to One Hundred Thouſand Pound: and for them at ſuch a time as this is, thus to Complain when an Invaſion is threatned by the *Scots*, it ſeemed to be a Mutinous Petition; with ſome other expreſſions of Diſſatisfaction with his Countrey-men for offering ſuch a Petition.

An. 1640.

The King ſeizeth on the Bullion in the *Tower*.

IN this Month of *July* the Kings Neceſſities being great, he was pleaſed to give order to ſeize upon the Bullion in the Mint at the *Tower*, which was brought from beyond Seas to be Coyned there, which gave a great Alarm to the *Spaniſh* Merchants and others, with which they were obliged forthwith to acquaint their Correſpondents and Partners beyond Seas; yet they made an immediate Addreſs to his Majeſty, humbly declaring, that this Example would for ever after hinder the bringing of Bullion into the *Tower*, and would prove to his Majeſties great prejudice, not only by the loſs of the Coynage of the Bullion, but in his Reputation (his Faith being pledged for the freedom of Merchants to bring in their Bullion into the *Tower*, and freely to carry the ſame out again.) So the Reſult of that dayes debate at the Council was, that the Owners of that Bullion ſhould be deſired to let the King have Forty Thouſand Pound of it, being the third part of the Money in the Mint; and his Majeſty tendered them ſecurity for the payment thereof with Intereſt by his Farmers of the Cuſtoms; whoſe ſecurity the Merchants did accept; who accommodated his Majeſty with the ſaid ſumm, which was afterwards duly re-paid unto them: and thereupon the Council ordered, that the Foreign Poſt which was ſtayed upon the ſeizure of the Mint, ſhould now be at liberty to carry Letters beyond Seas.

The King buyes all the Pepper kept under the *Old Exchange*.

ABout the ſame time the Kings Neceſſities for want of Money ſtill increaſing, a device was found out, to perſwade the King to buy all the Pepper the Merchants had in ſtore lying under the *Old Exchange*, which amounted to a great ſumm; for which the King gave ſecurity to the Owners, that the ſame ſhould be paid: but the Pepper was immediately ſold again at a much under-value; yet it being ready money to his Majeſty, though with dammage to himſelf, his Majeſty was enabled thereby the better to carry on the War againſt the *Scots*.

A deſign to make Copper money.

But theſe wayes of getting Money were but ſhifts to ſtop one Leak in twenty in the Ship; for that nothing but a ſtanding ſupply could conſtantly keep up an Army in good Order and Reputation; and thereupon it was debated at the Council, to mix Silver and Copper together, and to Coyn to the value of Three Hundred Thouſand Pound, and the Coyn to be ſuch, that Three Pence in Silver added to a quantity of Copper, ſhould be made to go Currant for Twelve Pence. And that it be declared by Proclamation, that it ſhould be Currant Money to pay the Army, marching to *Newcaſtle*: This buſineſs held ſeveral dayes debate: yet at laſt his Majeſty and the Council thought fit to hear Sr. *Thomas Rowe* his Judgement and Opinion in this buſineſs, being a Perſon well experienced in the Coyns in *Sweden* and other Foreign Parts; who being permitted to ſpeak his Opinion, he declared himſelf to the effect following:

Sr. Thomas

16 Caroli.

Sr. Thomas Rowe *his Speech at the Council Table; touching* Braſs Money, *or againſt mixing* Braſs Money *with* Silver, *with many notable Obſervations thereupon,* July 1640.

My Lords,

July 1640 Sr. *Thomas Rowe* his Speech againſt Braſs Money.

'SInce it hath pleaſed this Honourable Table, to command, 'amongſt others, my poor Opinion concerning this weighty 'Propoſition of Money; I muſt humbly crave pardon, if with that 'Freedom that becometh my duty to my Good and Gracious Maſter, 'and my obedience to your great commands, I deliver it ſo.

'I conceive this intended Project of infeebling the Coyn, will 'intrench very far both into the Honour, Juſtice and Profit of the 'King.

'All Eſtates do ſtand *magis fama quam vi*, as *Tacitus* ſaith of *Rome*; 'and Wealth in every Kingdom, is one of the eſſential marks of 'their Greatneſs; and is beſt expreſſed in the meaſures and purity 'of their moneys. Hence it was, that ſo long as the *Roman* Em- 'pire, a pattern of the beſt Government, held up their Glory or 'Greatneſs, they ever maintained with little or no change the 'Standard of their Coyn: but after the looſe time of *Commodus* had 'led into need by exceſs, by that ſhift of changing the Standard, the 'Majeſty of that Empire fell by degrees: And as *Vopiſcus* ſaith, the 'ſteps by which that State deſcended, were viſible moſt by the gene- 'ral alteration of their Coyns; and there is no ſurer ſymptomes of 'Conſumption in State, than the Corruption of Money.

'What renown is left to the poſterity of *Edward* I. in amending 'the Standard both in purity and weight, from that of elder and bar- 'barous times? It muſt needs ſtick as a blemiſh upon Princes that 'do the contrary.

'Thus we ſee, it was with *Henry* VI. who after he had begun 'with abating the meaſures, he afterwards fell into abaſing the mat- 'ter, and granted Commiſſion to *Miſſend* and others, to practiſe *Al-* 'chymy to ſerve his Mint.

'The extremity the State in general felt by this Grievance, be- 'ſides the diſhonour it laid upon the perſon of the King, was not the 'leaſt diſadvantage his diſloyal Kinſman took to ingrace himſelf into 'the peoples favour, to his Soveraigns ruine.

'When *Henry* VIII. had gained as much of Power and Glory 'abroad, of Love and Obedience at home as ever any, he ſuffered a 'loſs by this Rock.

'When his Daughter Queen *Elizabeth* came to the Crown, ſhe 'was happier in Counſel to amend that error of her Father; for it 'appears in a Memorial of the Lord Treaſurer *Burleigh*'s hand, that 'he and Sr. *Thomas Smith*, a Grave and Learned man, adviſed the 'Queen, that it was the Crown and the true Wealth of her ſelf and 'people, to reduce the Standard to the Antient Parity and Purity of 'her great Grand-father *Edward* IV. and that it was not the ſhort 'end of wits, nor ſtarting holes of devices, that can ſuſtain the ex- 'pence of a Monarchy, but ſound and ſolid courſes: for ſo are the

*An.*1640. 'words. She followed their advice, and began to reduce the Mo-'neys to their elder goodneſs, ſtyling this work in her firſt Proclama-'tion *Anno* 3. a famous Act. The next year following *Ann.* 3. ha-'ving perfected it, as it after ſtood, ſhe telleth her people by another 'Edict, That ſhe had conquered now that Monſter that had ſo long 'devoured them; meaning the variation of the Standard. And ſo 'long as that ſad Adviſer lived, ſhe never (though often by Proje-'ctors importuned) could be drawn to any ſhift or change in her 'moneys.

'To avoid the trouble of permutation, Coyns were deviſed as a 'rule and meaſure of Merchandize, and Manufactories, which if mu-'table, no man can tell either what he hath, or what he oweth; no 'contract can be certain, and ſo all commerce both publick and 'private is deſtroyed, and men again enforced to permutation 'with things not ſubject to will and fraud.

'The regulating of Coyn hath been left to the care of Princes, 'who have ever been preſumed to be the Fathers of the Common-'wealth; upon their honours they are Debtors and Warrants to the 'ſubjects in that behalf.

'They cannot, ſaith *Bodin*, alter the price of moneys to the pre-'judice of the ſubject, without incurring the reproach of *Faux mo-'neyans*: And therefore ſtories term *Phillip de Belle falſificator de 'monet. Integritas debet quæri ubi vultus noſter Imprimatur*, ſaid *Theo-'doret* the *Goth* to his Mint-maſter, *Quidnam erit tutum ſi noſtra pec-'cetur effigie?* Princes muſt not ſuffer their Faces to warrant 'falſhood.

'Although ſome are not of opinion with the *Minor des Juſtices*, the 'Antienteſt Book of the Common Law, that *Le Roy ne veut ſa 'money impaire ne amander ſans l'aſſent des touts les Counties*, which 'was the great Council of the Kingdom: Yet we may paſs over 'the goodneſs and grace of many other our Kings, as *Edward* I. '*Edward* III. *Henry* IV. and V. and others, who out of the Rule of 'their Juſtice, *Quod ad omnes ſpectat, ab omnibus debet approbari*, have 'often adviſed with their people in Parliament, both for the Allay, 'Weight, Number of Pieces, Rate of Coynage and Exchange; and 'moſt with infinite goodneſs acknowledge the Care and Juſtice now 'of my good Maſter, and your Lordſhips Wiſdoms, that would not 'upon the information of ſome few Officers of the Mint, before a 'free and careful debate, put in execution this project: yet I muſt 'under your Lordſhips favour, ſuſpect it would have taken away the 'tenth part of every mans due Debt or Rent already reſerved 'throughout the Realm, not ſparing the King; which could have 'been little leſs than a Species of that which the *Roman* Stories call '*Tabula nova*, from whence every Sedition hath ſprung; as that of '*Marius Grantidianus* in *Livy*, who pretending in his Conſulſhip, 'that the Currant money was waſted, called in and altered the Stan-'dard; which grew ſo heavy and grievous to the people, (as the 'Author ſaith, becauſe thereby no man knoweth certainly his wealth) 'that it cauſed a Tumult.

'In this laſt part, which is the diſ-profit that the enfeebling the 'Coyn will bring both to his Majeſty and to the Common-wealth; I 'muſt diſtinguiſh the moneys of Gold and Silver as they are Bullion 'and Commodities, and as they are meaſures, the one of the ex-

'trinſick

16 *Caroli.*

'trinſick quality, which is at the Kings pleaſure, as all other meaſures 'to name; the other, the intrinſick quality of pure metal, which is 'in the Merchant to value; as their meaſure ſhall be either to be 'leſſened or enlarged, ſo is the quantity of the Commodity that is 'to be exchanged: If then the King ſhall cut his Shilling or Pound 'in money leſs than it was before, a leſs proportion of ſuch Com-'modities as ſhall be exchanged for it, muſt be received; it muſt 'then of force follow, that all things of neceſſity, as Victuals, Appa-'rel, and the reſt, as well as thoſe of Pleaſure, muſt be inhanced. If 'then all men ſhall receive in their Shillings and Pounds a leſs pro-'portion of Silver and Gold than they did before this projected alte-'ration; and pay for what they buy at a rate inhanced, it muſt caſt 'upon all a double loſs. What the King will ſuffer by it in the 'Rents of his Lands, is demonſtrated enough by the alteration ſince 'the 18th of *Edward* III. when all the Revenues of the Crown came 'unto the receipts; *pondere & numero*, after five Groats the Ounce; 'which ſince that time, by ſeveral changes of the Standard, is come 'to five Shillings, whereby the King hath two third parts of his juſt 'Revenues.

'In his Cuſtoms, the Book of Rates being regulated by Pounds 'and Shillings, his Majeſty muſt loſe alike, and ſo in all and whatſo-'ever moneys that after this he muſt receive; the profits of his 'Coynage cannot be much more permanent, the loſs laſting, 'and ſo long it tendeth to the diminiſhing of his Revenue; 'for in every pound tail of Gold is 7. *Ounces* 1 *Penny* weight and '19 *Grains* loſs, which is twenty five pounds in account: and in ſe-'ven hundred pound tail of Silver 14 *l.* 17 *s.* more. And his Maje-'ſty ſhall undergo all this loſs hereafter in all his receipts, ſo ſhall he 'no leſs in all his diſburſements: the wages of his Soldiers muſt be 'rateably advanced, as the money is decreaſed. This *Edward* III. 'as appeareth by the Accounts of the *Wardrobe* and *Exchequer*, (as all 'the Kings after him) was enforced to do, as often as he leſſened the 'Standard of the moneys. What ſhall be bought for his Majeſties 'ſervice, muſt in like manner be inhanced on him. As his Majeſty 'hath the greateſt profits of receipts and iſſues, ſo muſt he of neceſſity 'taſte of the moſt loſs by this device.

'It will deſtroy or diſcourage a great proportion of the Trade in '*England*; impair his Majeſties Cuſtoms; for that part being not the 'leaſt that paſſeth upon truſt and credit, will be overthrown: for all 'men being doubtful of diminution hereby of their perſonal eſtates, 'will call in their moneys already out, and no man will part with 'that which is lying by him upon apparent loſs, as this muſt bring: 'What dammage may befall the State by ſuch a ſudden change of 'Trade, is ſubmitted to conſideration.

'The moneys both of Gold and Silver, formerly Coyned and 'abroad, richer than thoſe intended, will be tranſported: which I 'conceive to be none of the leaſt Inducements that hath drawn ſo 'many Goldſmiths to ſide in this Project, that they may be thereby 'Factors for the Strangers, who by the Law of Mintage, bring but two 'ſhillings Silver to the pound weight, and four ſhillings for Gold; 'whereas with us, the one is two ſhillings ſix pence, and the other five 'ſhillings; many make that profit beyond the Sea, they cannot here; 'and ſo his Majeſties Mint will be unſet of work.

'And

An. 1640.

'And as his Majeſties loſs appeareth in the alteration of money 'a fourteenth in the Silver, and a twenty fifth part in all the Gold 'he after ſhall receive; ſo ſhall it be with the Gentry and No- 'bility, and all other Landed men in all their former ſetled 'Rents, Annuities, Penſions and ſumms of money: the like will 'fall upon the Labourers and Work-men in their Statute Wages: 'and as their receipts are leſſened hereby, ſo are their iſſues in- 'creaſed either by improving all prices, diſ-furniſhing the Mar- 'ket, which muſt neceſſarily follow; for in the fifth of *Edward* VI. '3 *Mary*, 4 *Eliz.* as appeareth by their Proclamations, a Rumour 'only of alteration cauſed ſuch effects; and they puniſhed the 'Authors of ſuch reports, with Impriſonment and Pillory. It 'cannot be doubted, but the projecting of ſuch a change muſt be 'of far greater conſequence and danger to the State, and it would 'be wiſhed, that the Actors and Authors of ſuch diſturbances in 'the Common-wealth at all times hereafter, might undergo a pu- 'niſhment proportionable.

'It cannot be held an advice of beſt Judgement, that layeth the 'loſs upon our ſelves, and the gain upon our Enemies: for who 'are like to be in this the greateſt thrivers? Is it not viſible, that 'the Strangers who import money for Bullion, our own Gold- 'ſmiths who are their Brokers, and the Hedge-Minters of the '*Netherlands* (as one termed them well) will have a freſh and 'full Trade by this abaſement? And we cannot do the *Spaniſh* 'King, our greateſt Enemy, a greater favour than by this, who 'being Lord of the Commodities by his *Weſt-Indies*, we ſhall ſo 'advance them to our Impoveriſhment: for it is not in the 'power of any State to raiſe the price of their own Commodi- 'ties: But it is the value that their Neighbours ſet upon them. Ex- 'perience hath taught us, that the enfeebling of the Coyn, is but 'a ſhift for a while, as Drink to one in a Dropſie, to make him 'ſwell the more: But the State was never thoroughly cured, as 'we ſaw in *Henry* the Eighth's time, and the late Queens, until 'the Coyn was made rich again.

'To conclude, If the proportion of Gold and Silver to each 'other be wrought to that purity, by the advice of the Ar- 'tiſts, that neither may be too rich for the other, that the 'Mintage may be reduced to ſome proportion of Neighbour 'parts. and that the Iſſue of Native Commodities may be brought 'to overballance the entrance of the Foreign, we need not ſeek 'any ſhift; but ſhall again ſee our Trade to flouriſh, the Mint, 'as the Pulſe of the Common-wealth, again to beat; and our 'Materials by Induſtry, to be Mines of Gold and Silver, (which 'we all wiſh and work for) ſupported unto us, and the honour 'of Juſtice, and profit of his Majeſty.

On

16 *Caroli.*
Aug. 15. 1640.

ON the fifteenth of *Auguſt* the Lord *Conway* having received certain Intelligence that the *Scots* would on ſuch a day enter *England*, writ to the effect following to Mr. Secretary *Windebanke* for the Information of the Arch-Biſhop of *Canterbury*.

Mr. Secretary,

Lord *Conway* for the Arch-Biſhop of *Canterbury*.

MY *time is very ſhort, I now received your Letter, I have within theſe two hours word brought to me,* [I pray you tell my Lord of *Canterbury*, *that it is by that man I did write laſt to him, that I have ſent into* Scotland *and gave him ſixteen pounds*] *that the Scotch Army, as he doth aſſure me upon his life, and bids me* hang him *if it be not ſo, will upon* Munday *or* Tueſday *next come into* England, *that they will upon* Saturday *be before this Town, which they ſay they will take or here be broken, from hence they intend to go to* Yorkſhire, *&c.*

Your moſt humble ſervant,

Newcaſtle Aug. 15. 1640.

Conway *and* Kilulta.

ON the 20th of *Auguſt* the King began his Journey from *London* towards *York* in ſome haſte, upon information that the *Scots* were ready to enter the Kingdom with an Army, which accordingly they did on the ſame twentieth of *Auguſt*.

Auguſt 20 Proclamation againſt ſupplying the Scots.

On which day his Majeſty publiſhed a Proclamation, whereby he declared that all thoſe of *Scotland* who have already entred, or hereafter ſhall preſume to enter in an Hoſtile manner into any part of the Kingdom of *England*, and their adherents, aſſiſtants and others, who ſhall ſupply them with Money, Munition, Victuals or other Proviſions, ſhall be adjudged Traitors againſt his Majeſty his Crown and Dignity, and incurr the Penalties of High Treaſon; yet the King declares he will forgive the *Scots* if they return to obedience, and profeſſeth it before God and the World as often formerly, and in his late Declaration he hath done, and that he never did nor will hinder his Subjects of *Scotland* from the enjoying of their Religion and Liberties according to the Eccleſiaſtical, Civil and Municipal Laws of that Kingdom, and according to his promiſe and their deſires ſubſcribed by themſelves at the Pacification, but that he will govern them as a juſt and Religious Prince, in aſſurance whereof if they will yet acknowledge their former Crimes and Exorbitancies and in humble and ſubmiſs manner like penitent Delinquents crave Pardon for what is paſt, and yield Obedience for the time to come, they ſhall ſtill find that his Majeſty will be more ſenſible of their due Conformity and Obedience, than he hath been of their Rebellions, that he rather deſires their Reformation than their Deſtruction.

In

*An.*1640.

Aug. 20. *Cumberland* and *Weſtmerland* to keep ſtr & W.tches. * Upon *Spy Cragg* and other places.

IN Expectation of the Entrance of the *Scotiſh* Army, the Privy Council ſitting at *White-Hall* this day ſent Letters directed to the Lieutenants of the Counties of *Cumberland* and *weſtmerland*, requiring firſt that ſtrict Watches be kept upon the Paſſages of the Borders into *Scotland* by the ſeveral Townſhips as formerly hath been * accuſtomed in time of Hoſtility. Secondly, That the Beacons be Watched and kept ſerviceable. Thirdly, That ſearch be made of what ſtore of Corn there was in any of the Granaries on the other ſide of the River * *Eden*, betwixt it and *Scotland*, and that no Perſon ſhall keep more proviſion of any kind than ſhall ſerve their Family for a Week, and that the reſt be put into ſafe places. Fourthly, That it being the uſual manner in thoſe parts to put a thouſand or fifteen hundred Cattle to Paſture in the *Summer time*, and to have none but a boy or two to look to them; thoſe who receive the profits of thoſe Cattle ſhall be compelled to keep ſo many Herdſmen as may preſently upon warning, drive thoſe Cattle over the *Eden*, that they may be ſecured from the Pillage of the Enemy.

* Whence probably *Edenburgh* took its name.

The names of the chief Commanders of the *Scotch* Army. Their ſtrength in Horſe and Foot.

THE beſt intelligence we could get of the ſtrength of the *Scotiſh* Army on their march towards *England* was, that they conſiſted of 20000 Foot, and 2500 Horſe, commanded by General *Leſly* in chief, Earl of *Kallender* Lieutenant General, *Alex. Hamilton* Major General of *Artillery*, and Colonel *Bailey* Major General of the Army. There were many other Noblemen, Barons and Gentlemen who were Commanders in the Army, who marched with them as a ſtanding Committee of the Army, conſiſting of ſix Noblemen, ſix Barons, ſix Burgeſſes, beſides the General Officers.

The *Scots* enter *England*.

ON *Thurſday* the 20th of *Auguſt* one part of the *Scotch* Army marched over the River *Tweed* at a Ford named *Cald Streame* into *England*, and another part of their Army at a Ford lower down upon the ſame River; The Earl of *Montroſs* commanded the Vaunt-Guard, and firſt took the River, the Colledge of Juſtice Troop conſiſting of one hundred and ſixty Gentlemen commanded by Sir *Thomas Hope* rode upon the right wing of the Foot, which helpt to break the ſtream; that night they encamped at a place called *Hirſlaw* in *England* bordering on *Scotland*.

FRiday *Auguſt* 21. they marched from thence and pitched that night on *Miſfield Moore*, but the Horſe lay at ſeveral Villages thereabouts.

SAturday *Auguſt* 22. they marched to *Middleton Haugh* near *Wooller*, and that night ſome of the *Berwick* Troops came out and fell upon part of the Camp, and ſeized three Field pieces, but the Alarm being quickly taken, they were preſently regained, and the *Berwick* Troops forced to retreat, and ſome of them taken Priſoners.

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THE next day being *Sunday, Auguſt* 23. after Sermon they removed from *Middleton Haugh*, and Encamped that night at *Branton Field.* *Aug.* 23.

MUnday *Auguſt* 24. they removed from thence and Encamped on the Hill betwixt the New and Old Towns of *Eglingam* or *Eglington.* 24.

TUeſday *Auguſt* 25. they Marchedfrom thence and Encamped that night at *Nether Wotten.* 25.

WEdneſday *Auguſt* 26. they removed from thence and pitched that night on the Eaſt part of a Village called *Creich* or ſome ſuch name. 26.

THurſday *Auguſt* 27. they marched from thence and Encamped their Army about *Newborne* upon *Tyne*, a Town of the Earl of *Northumberland*'s, four miles Weſt from *Newcaſtle.* 27.

It is to be obſerved that at the *Scots* entry into *England*, they publiſhed certain Conſiderations to manifeſt the Lawfulneſs of their Expedition, and declared the intention thereof to their Brethren here in *England* (as they called them) which Conſiderations were as followeth.

Six Conſiderations of the Lawfulneſs of their Expedition into England *manifeſted.*

Conſiderations to juſtifie the *Scots* expedition into *England.*

'AS from the beginning till this time, we have attempted nothing preſumptuouſly in this great work of Reformation, but 'have proceeded upon good grounds, and have been led forward by 'the good hand of God; ſo now, from our own perſwaſion, are we 'ready to anſwer every one that asketh us a reaſon of this our preſent 'expedition, which is one of the greateſt and moſt notable parts of 'this wonderful work of God, beſeeching all to lift up their minds 'above their own particulars, and without prejudice or partiality, 'to lay to heart the Conſiderations following.

'Firſt, As all men know and confeſs what is the great force of *ne-'ceſſity*, and how it doth juſtifie actions otherways unwarrantable, 'ſo it cannot be denyed but we muſt either ſeek our peace in *England* 'at this time, or lye under the heavy burdens which we are not able 'to bear.

'1. We muſt maintain Armies on the Borders, and all places near-'eſt to hazard, for the defence and preſervation of our Countrey, 'which by laying down of Armes, and disbanding of our Forces, 'ſhould be quickly over-run by hoſtile invaſion, and the incurſions of 'our enemies.

'2. We ſhall want trade by Sea, which would not only deprive 'the Kingdom of many neceſſaries, but utterly undo our Boroughs,

An. 1640. 'Merchants, Mariners, and many others who live by Fiſhing, and by 'Commodities Exported and Imported, and whoſe particular call-'ings are utterly made void, by want of Commerce with other Na-'tions and Sea-trade.

'3. The Subjects through the whole Kingdom, ſhall want admi-'niſtration of Juſtice; and although this time paſt, the marvellous 'power and providence of God hath kept the Kingdom in order 'and quietneſs without any Judicatories ſitting, yet cannot this be 'expected for afterward, but ſhall turn to confuſion. Any one of 'the three, much more all of them put together threaten us with 'moſt certain ruine, unleſs we ſpeedily uſe the remedy of this Ex-'pedition. And this we ſay not from fear, but from feeling: for 'we have already felt to our unſpeakable prejudice, [what it is to 'maintain Armies, what to want traffick, what to want adminiſtra-'tion of Juſtice.] And if the beginning of theſe evils be ſo heavy, 'what ſhall the growth and long continuance of them prove unto 'us? ſo miſerable a being all men would judge, to be worſe than no 'being.

'Secondly, If we conſider the nature and quality of this Expediti-'on, it is defenſive, and ſo the more juſtifiable. For proof hereof 'let it be remembred,

'1. The Kings Majeſty miſled by the crafty and cruel faction of 'our Adverſaries began this years war, not we. When articles of 'pacification had been the other year agreed upon, Armes laid down, 'Forts and Caſtles rendred, an Aſſembly kept, and concluded with 'the preſence and conſent of his Majeſties High Commiſſioner, the 'promiſed Ratification thereof in Parliament (contrary to the fore-'ſaid Articles) was denyed unto us, and when we would have in-'formed his Majeſty by our Commiſſioners, of the reaſons and man-'ner of our proceedings, they got not ſo much as preſence or audi-'ence. Thereafter his Majeſty being content to hear them, before 'that they came to Court or were heard, War was concluded againſt 'us at the Council Table of *England*, and a Commiſſion given to the 'Earl of *Northumberland* for that effect.

'1. The Parliaments of *Ireland* and *England* were alſo convocate, 'for granting *Subſidies* unto this war againſt us, as is notoure, Plots 'have been hatcht, and military preparations made againſt us: ma-'ny invaſions by Sea, which have ſpoiled us of our ſhips and goods: 'men, women and children killed in *Edenburgh* by his Majeſties For-'ces in the Caſtle: Our enemies therefore are the authors and begin-'ners of the War, and we defenders only.

'2. We intend not the hurt of others, but our own peace and 'preſervation, neither are we to offer any injury or violence: And 'therefore have furniſhed our ſelves according to our power with 'all neceſſaries, not to fight at all, except we be forced to it in our 'own defence, as our Declaration beareth.

'3. We ſhall retire and lay down Armes, as ſoon as we ſhall get 'a ſure peace, and ſhall be ſatisfied in our juſt demands. Upon 'which ground even ſome of thoſe who would ſeem the greateſt 'Royaliſts, hold the Wars of the Proteſtants in *France* againſt the 'King, and the faction of the *Guiſians* to have been lawful defenſive 'Wars, becauſe they were ever ready to disband and quiet them-'ſelves,

'ſelves, when they got aſſurance of peace and liberty of Religion. 16 *Caroli.*
'Now this preſent Expedition being in the nature of it defenſive,
'hence it appeareth that it is not contrary, but conſonant to our for-
'mer Proteſtations, Informations and Remonſtrances: In all which
'there is not one word againſt defenſive War in this cauſe; but
'ſtrong reaſons for it, all which militate for this expedition.

'Our firſt information ſent to *England* this year, though it accur-
'ſeth all offenſive or invaſive war, yet ſheweth plainly, that if we
'be invaded either by Sea or Land, we muſt do as a man that fight-
'eth himſelf out of priſon. If a private man when his houſe is block-
'ed up, ſo that he can have no liberty of Commerce and Traffick
'to ſupply himſelf and family, being alſo in continual hazard of his
'life, not knowing when he ſhall be aſſaulted by his Enemies who
'lye in wait againſt him, may in this caſe moſt lawfully ſtep forth
'with the Forces which he can make, and fight himſelf free, of how
'much more worth is the whole Nation? and how ſhall one and
'the ſame way of defence and liberation be allowed to a private man,
'and diſallowed to a whole Nation?

'Thirdly, We are called to this Expedition by that ſame divine
'providence and vocation which hath guided us hitherto in this great
'buſineſs. We ſee the expediency of it, for the glory of God, for
'the good of the Church, for advancing the Goſpel, for our own
'peace: after ſeeking of God, and begging light and direction from
'Heaven, our hearts are inclined to it, God hath given us zeal and
'courage to proſecute it, ability and opportunity for undertaking it,
'unanimous Reſolution upon it, ſcruples removed out of minds
'where they were harboured, encouragements to atchieve it from
'many paſſages of divine providence, and namely from the proceed-
'ings of the laſt Parliament in *England*, their grievances and deſires
'being ſo homogeneal and akin to ours, we have laboured in great
'long-ſuffering by Supplications, Informations, Commiſſions, and all
'other means poſſible, to avoid this Expedition. It was not preme-
'ditate nor affected by us (God knows) but our enemies have ne-
'ceſſitated and redacted us unto it, and that of purpoſe to ſow the
'ſeed of National Quarrels: yet as God hitherto hath turned all their
'plots againſt themſelves, and to effects quite contrary to thoſe that
'they intended; ſo are we hopeful that our coming into *England* (ſo
'much wiſhed and deſired by our adverſaries for producing a Natio-
'nal quarrel) ſhall ſo far diſappoint them of their aymes, that it ſhall
'link the two Nations together in ſtraiter and ſtronger bonds, both
'of Civil and Chriſtian love, than ever before.

'And that we may ſee yet further evidences of a calling from God
'to this voyage, we may obſerve the order of the Lords ſteps and pro-
'ceedings in this work of Reformation. For, beginning at the groſs
'Popery of the *Service Book*, and Book of *Canons*, he hath followed the
'back trade of our defection, till he hath Reformed the very firſt
'and ſmalleſt Novations, which entered in this Church. But ſo it
'is, that this back trade leadeth yet further, to the Prelacy in *England*,
'the fountain whence all thoſe Babyloniſh ſtreams iſſue unto us: The
'Lord therefore is ſtill on the back trade, and we following him there-
'in, cannot yet be at a ſtay. Yea, we truſt, that he ſhall ſo follow
'forth this trade, as to chaſe home the Beaſt, and the falſe Prophet to

An. 1640. 'Rome, and from *Rome* out of the world. Beſides, this third Conſide-
'ration reſulteth from the former two; for if this Expedition be ne-
'ceſſary, and if it be defenſive, then it followeth inevitably, that we
'are called unto it, for our neceſſary defence is warranted, yea com-
'manded by the Law of God and Nature, and we are obliged to it in
'our *Covenant*.

'Fourthly, The lawfulneſs of this Expedition appeareth, if we
'conſider the party againſt whom, which is not the Kingdom of
'*England*, but the *Canterburian faction* of Papiſts, Atheiſts, Arminians,
'Prelates, the miſleaders of the Kings Majeſty, and the Common
'Enemies of both Kingdoms. We perſwade our ſelves, that our
'Brethren and Neighbours in *England*, will never be ſo evil adviſed,
'as to make themſelves a party againſt us, by their defence and patro-
'ciny of our Enemies among them, as ſometimes the Benjamites made
'themſelves a party againſt the Iſraelites, by defending the Gibeathites
'in their wicked cauſe, *Judg.* 20. We pray God to give them the
'wiſdom of the wiſe Woman in *Abel*, who when *Joab* came near to
'her City with an Army, found out a way which both kept *Joab*
'from being an Enemy to the City, and the City from being an Ene-
'my to him, 2 *Sam.* 20. As touching the proviſion and furniture of
'our Army in *England*, it ſhall be ſuch as is uſed among friends, not
'among enemies. The rule of humanity and gratitude will teach
'them to furniſh us with neceſſaries, when as beſide the procuring
'of our own peace, we do good offices to them. They deteſt (we
'know) the churliſhneſs of *Nabal*, who refuſed victuals to *David*
'and his men, who had done them good and no evil, 1 *Sam.* 20. And
'the inhumanity of the men of *Succoth* and *Penuel*, who denyed bread
'to *Gideons* Army, when he was purſuing the Common Enemies of
'all *Iſrael*, *Judg.* 8. But let the Engliſh do of their benevolence, what
'humanity and diſcretion will teach them; For our own part our
'Declaration ſheweth, that we ſeek not victuals for nought, but for
'money or ſecurity: And if this ſhould be refuſed (which we ſhall
'never expect) it were as damnable as the barbarous cruelty of *Edom*
'and *Moab*, who refuſed to let *Iſrael* paſs through their Countrey, or
'to give them bread and water in any caſe, *Numb.* 20. *Judg.* 11. and
'this offence the Lord accounted ſo inexpiable, that for it he accurſed
'the *Edomites* and *Moabites* from entring into the Congregation of
'the Lord, unto the tenth Generation, *Deut.* 23. 3, 4.

'Fifthly, The fifth Conſideration concerneth the end for which
'this Voyage is undertaken. We have atteſted the ſearcher of hearts,
'It is not to execute any diſloyal act againſt his Majeſty, It is not to
'put forth a cruel or vindictive hand againſt our Adverſaries in
'*England*, whom we deſire only to be Judged and Cenſured by their
'own Honourable and High Court of Parliament; It is not to en-
'rich our ſelves with the Wealth of *England*, nor to do any harm
'thereto. But by the contrary, we ſhall gladly beſtow our pains and
'our means to do them all the good we can, which they might juſtly
'look for at our hands, for the help which they made us at our Re-
'formation, in freeing us from the *French*, a bond of peace and love
'betwixt them and us to all generations. Our Conſcience, and God
'who is greater than our Conſcience beareth us record, that we aim
'altogether

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'altogether at the glory of God, peace of both Nations, and honour 'of the King, in ſuppreſſing and puniſhing (in a legal way) of thoſe 'who are the troublers of *Iſrael* the firebrands of Hell, the *Korhas*, 'the *Baalams*, the *Doegs*, the *Rabſhakahs*, the *Hamans*, the *Tobiahs* and '*Sanballats* of our time, which done, we are ſatisfied. Neither have 'we begun to uſe a military Expedition to *England*, as a mean for 'compaſſing thoſe our pious ends, till all other means which we 'could think upon have failed us, and this alone is left to us as *ultimum* '*& unicum remedium*, the laſt and only remedy.

'Sixthly, If the Lord ſhall bleſs us in this our expedition, and our 'intentions ſhall not be croſſed by our own ſins and miſcarriage, or 'by the oppoſition of the *Engliſh*, the fruits ſhall be ſweet, and the 'effects comfortable to both Nations, to the Poſterity, and to the 'Reformed *Kirks* abroad: *Scotland* ſhall be Reformed as at the be-'ginning, the Reformation of *England* long prayed and pleaded for 'the Godly thereby ſhall be according to their wiſhes and deſires, 'perfected in Doctrine, Worſhip and Diſcipline. Papiſts, Prelates, 'and all the members of the Antichriſtian Hierarchy, with their Ido-'latry, Superſtition, and humane Inventions ſhall pack from hence, 'the names of *Sects* and *Separatiſts* ſhall no more be mentioned, and 'the Lord ſhall be one, and his name one throughout the whole Iſland, 'which ſhall be glory to God, honour to the King, Joy to the King-'doms, comfort to the poſterity, example to other Chriſtian *Kirks*, 'and *Confuſion* to the *incorrigible Enemies*.

The Covenanters alſo diſperſed another Paper in Juſtification of their intentions to come into *England*, which ſee at large in the *Appendix*.

On the twentieth of *Auguſt* the King publiſhed a *Proclamation* to ſummon all ſuch as hold of his Majeſty by grand Sergeanty, Eſcuage, or Knights-Service, to do their ſervices againſt the *Scots*, according to their tenures.

Whereas the King's Majeſty intends forthwith in his own perſon, or by his Lieutenant, with an Army Royal, to go in War againſt the Scots (by Gods aſſiſtance) to repreſs their Treaſons and rebellions, and for that end hath already begun his journey towards the Northern parts of this Kingdom, his Majeſty therefore doth hereby require and ſtraitly charge and command, all Lords Spiritual and Temporal, Baronets, Knights, Eſquires, Gentlemen, and all others of what eſtate or condition ſoever, who hold of his Majeſty by grand Sergeanty, or hold of his Majeſty or of any of his Wards by Eſcuage, or Knights Service (and are thereby bound to go in their own perſons, or to find others for them to go with his Majeſty, or his Lieutenant in the ſaid War againſt the ſaid Rebels) That they take knowledge of this his Majeſties publick Summons, and with all meet expedition after the publiſhing hereof, and at the fartheſt before the twentieth day

*An.*1640. day of September next, be ready furnisht with Horse and Armes for performance of their said Services, at the Town of Newcastle upon Tyne, or at such other place where his Majesties said Army shall then reside; from thence to go with his Majesty, or his Lieutenant in War against the said Rebels: and hereof they may not fail, under the penalties of the Law, and as they tender the Service of his Majesty, and the safety of the Kingdom.

Nevertheless, for such as do so hold of his Majesty, or of his said Wards, who upon just occasions shall seek to be spared and dispensed with, for their attendance and service in this Expedition, his Majesty is graciously pleased, and hath authorized the Lord Treasurer, Chancellour and Barons of his Exchequer for the time being, or any two or more of them (whereof the Lord Treasurer or Chancellour to be one) upon fines to his Majesties use, to admit to composition, and compound with such of those Tenants, as they shall think fit to be spared and dispenced with for this present Service, whom his Majesty doth hereby declare shall be freed and exempted accordingly: so as they shall make their said Compositions before the said twentieth day of September next, whereby his Majesty may be provided of other meet persons in their turn to perform the said Services.

Given at our Court at *White-Hall* the twentieth day of *August* in the sixteenth year of his Majesties Raign.

White-Hall Aug. 20. 1640.

A PROCLAMATION

For the Levying and payment of the *Ship-Money* in Arrear.

WHereas his Majesty out of his Princely care of the Defence of this Realm and safety of his Subjects, understanding of the great preparations of Shipping beyond the Seas, as well this present year as in divers years preceding, and the imminent Perils thereby appearing on every side in these Dangerous and Warlike times; For the speedy Defence of this Kingdom and People, guarding of the Seas, and secure Conduct of Shipping and Merchandize (wherein all his Subjects were concerned) did as well for divers years past, as in November last, direct his several Writs to several Sheriffs, Mayors, Bayliffs, and other his Officers and Subjects of the several Counties of England and Wales, Thereby Commanding the Providing and Getting in readiness certain Ships furnished with Ordnance and Arms, and Manned and Victualled at the Charges of the said Counties, in such sort as by the same Writs were appointed: but his Majesty finding that the said Ships were not provided according to the Tenour of the said Writs, nor the Moneys Levyed (according to the Estimates yearly given by the Lords and Others of his Majesties Privy Council) for setting forth

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forth those Ships, his Majesty for the Common Defence and Safety of his Kingdom and People, was constrained at his own great Charges, yearly to make out and maintain that Shipping which he expected from his Subjects.

And therefore his Majesty as he cannot but censure the most of his Sheriffs and other his Ministers of great neglect in the Execution of that service, according to their Oaths and the Duty of their places, so he will now expect from them an Undelayed and Faithful performance of the same without favour or connivance. And to that end, his Majesty doth hereby straitly Charge and Command all his present Sheriffs, Bayliffs, and other his Officers and Ministers to whom it appertaineth, forthwith not only to Raise and Levy the said moneys appointed to be Collected and Raised for the Providing and Furnishing the said Ships for this present Year, But also to give forth their Warrants to the preceding Sheriffs, Mayors and other Officers respectively for the Raising and Levying of those Arrears which happened in their times: And that as well the Sheriffs, Mayors and other Officers for this present year, as those for the year past, who are in Arrear to his Majesty shall make their payments Respectively to the Treasurer of his Majesties Navy at or before the first day of November next, without further Respite or delay upon pain of high Contempt against his Majesty, and to be further proceeded with and punished according to the Quality of their Offences in that which so much importeth the publick good and safety of the Kingdom.

Orders to the *Lord Keeper* to issue out *Commissions of Array.*

ON the same twentieth of *August* the *Kings Attorney* presented the Lords of the Council at *White-Hall* a Copy of a *Commission of Array* setled by Parliament in 5 *Hen.* 4. and upon debate had thereupon, it was ordered that the *Lord Keeper* of the Great Seal shall issue out *Commissions of Array* in the form aforesaid for each of the Counties of *England* and *Wales*, directed to the Lords Lieutenants and Sheriffs of the Counties, and to such of the Lieutenants or others being three or more as the said Lord Lieutenants should recommend. And his Majesty and the Board declared that there was *no intention by these Commissions of Array* to derogate from or in any sort *to abridge* the Commissions of *Lieutenancy*, but that the Lords Lieutenants may make use of both these concurrent Commissions where they shall find a fit occasion for the advancement of his *Majesties Service.* And accordingly the *Lord Keeper* was directed forthwith to take effectual care herein.

The Deputy Lieutenants of *Devonshire* raise a doubt about the *Commissions of Array.*

THE Deputy Lieutenants of *Devonshire* about this time represented to the *Earl Marshal two difficulties* in putting the Trained Bands and other Forces in readiness to march and serve in the common Defence. First, the distraction among the Gentry and others, *unto which service* personally to apply themselves; that which the Trained Bands required as aforesaid, or the other according to *Escuage* and tenures in *Knights Service*, both of them being Commanded by Proclamation. Secondly, the way of raising money for *the Charge* of the said Bands and Forces when they shall be required to March.

In these objected difficulties directions being desired from the Council Table, *they answered* that the service imposed upon the Trained

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Trained Bands and other Forces for the Common Defence by his Majeſties Letters and Proclamation is carefully to be performed by every man in his own perſon, but for *that attendance on his Majeſty* required by the other Proclamation according to the tenures in *Knights Service*, it may and will ſuffice that the ſame be done by Deputy, or elſe that perſons ſo holding their Lands give ſatisfaction by way of Compoſition; and for the other difficulty how to provide *for the Charge* of theſe Forces when they ſhall March, it was ordered by them that not only the *Laws and Cuſtomes* of this Kingdom *require that in time of actual invaſion every man ſerve* in the *common defence* at *his own charge*, but that the very Law of nature doth teach and oblige us thereunto without ſticking or ſtaying upon any ſuch terms or queſtions, and that it hath been the Cuſtome and Practice within this Kingdom both in Ancient and Modern times when there was a doubt and fear of Invaſion; but this preſent danger is paſt all manner of doubt by an *actual Invaſion* of the *Scottiſh Rebels* with ſo great an Army that his Majeſties Subjects in the *North* ſerve him cheerfully at their *own charges* with Bodies and Fortunes, it was hoped that the Subjects in other parts would take the like care for the iſſuing of the *Commiſſions of Array* into the ſeveral Counties, and for thoſe Counties which were under the Lieutenancies of *thoſe Lords* that attended his Majeſty *into the North*, or were ſo imployed in his Majeſties Service, that they could not be preſent within their own Lieutenancies, that the Commiſſions ſhould be directed to ſuch Perſons of Quality and worth as the Lords Lieutenants ſhall thereunto name and recommend to the *Lord Keeper*.

The Earl Marſhal ordered to Execute the *Commiſſion of Array*, the Scots being Entred into *England*.

THE *Earl Marſhal of England* had a Commiſſion to command all Forces on the *South ſide Trent*, and by his Majeſties private Inſtructions was enjoyned to receive the advice and direction of the Privy Council, or of ſix or more of them. And it being *made known to the Board* that the *Scots were paſſed over the River Tweed*, and were entred and marched with great Forces within this Kingdom, and the *Earl Marſhal* moving their Lordſhips for their direction, it was *ordered by the Board*, that the ſaid Earl ſhall proceed *forthwith to Execute his Commiſſion*, and that for this end he ſhall write Letters to all the Lords Lieutenants, and in their abſence to the Deputy Lieutenants of all the Counties within his Commiſſion to require them to have in readineſs not only the *Trained Bands* both Horſe and Foot of their ſeveral Lieutenancies, but *to put all other perſons* that are able either in Body or Eſtate to do Service, into the beſt Order they can for Arms both for Horſe and Foot, to be ready either to defend the County in which they dwell, or to come under the Command and Conduct of their Lords Lieutenants or their Deputy Lieutenants to ſuch Rendezvouz elſewhere, and ſuch times for Defence of the Publick, as the ſaid *Earl Marſhal* or his Lieutenants ſhall appoint, and to be all in ſuch readineſs as they may be able to *March at twenty four hours warning* after command received from him.

ON the twenty third day of *Auguſt*, his Majeſty having in three dayes Arrived at *York*, the next day *Auguſt* 24. the Gentry of that County waited upon his Majeſty at the Pallace called the *Manor* at *York*, and preſented him a ſecond Petition to the effect following;

Whereas

16 *Caroli.*

The second Petition of the Gentry to his Majesty at *York.*

'WHereas there was an humble Petition lately presented unto your Majesty by divers of the now Petitioners, and others of 'the Nobility and Gentry of this County, without any intention of 'Tumult though so conceived, touching the pressure then lying up-'on the County by the Billeting of Souldiers, with intimation of 'an hundred thousand pound Expended by the County concerning 'Military affairs the last year in your Majesties Service, the Calcula-'tion of which summ by the answer to the said Petition was held 'exorbitant and much mistaken, the truth whereof and the rest of 'the Petition we shall in all humility make appear if your Majesty 'require it, and we most humbly supplicate your Majesty to be gra-'ciously pleased that we be not for the future debarred of the imme-'diate Petitioning to your most Sacred person, in matters wherein 'the publick good and safety of this County shall be interessed.

'And whereas your Majesty did yesterday to our great comfort 'and encouragement declare your Royal intentions to *lead on the* '*Trained Bands* of this Countrey to the Frontiers of the same, for 'the defence and safety of your Royal Person and Countrey, where-'to with all cheerfulness we humbly offer our best endeavours, with 'our most humble thanks for so gracious a favour:

'Yet so it is, most Gracious Soveraign, that the poverty of this 'Countrey is such that we conceive they cannot be drawn to Raise 'and March *without fourteen dayes pay* from your Majesty before they 'move, upon receipt whereof we are confident they will be ready 'to March under your Majesties sole Command, to such Rendezvouz 'as your Majesty shall appoint within this County, humbly desiring 'your most Excellent Majesty, that seeing the Armes of this County 'will be twelve thousand Foot, and four hundred Horse, a conside-'rable number, that we may not be disunited upon any occasion of 'service.

Phillip Wharton.
Ferdinando Fairefax.
Henry Bellasis.
William Savile.
Francis Wortley.
Thomas Gower.
Jo. Hotham.
Ed. Stanhop.
Henry Griffith.
William Sheiffeild.
Richard Darly.
Jo. Ramsden.
Hugh Cholmeley.
Hugh Bethell.
William Strickland.
Thomas Remmington.
Thomas Metham.
Robert Strickland.
Jo. Legard.
George Buttler.
Francis Mountone.
Henry Cholmeley.
George Trotter.
Henry Darley.
Richard Remington.
William Franckland.
Thomas Hebblethwaite.
Jo. Hotham.
Christopher Pearcihey.
Jos. Pearcey.
Brian Stapleton.
Phillip Stapleton.
Ing. Hopton.
Henry Anderson.
George Crosbie.
George Marwood.
Thomas Hisketh.
Jo. Anlabie.
Christopher Legard.
Jo. Inglebie.
Mar. Norcliffe.
With divers others.

An. 1640.

Aug. 26. 1640.

August 26. Whereas it is formerly mentioned that the Lords of the Privy Council had writ ſeveral Letters to ſecure the perſons of ſuch Souldiers in *Eſſex* as had in their March mutined and committed Inſolencies, and Information being further given that others of thoſe new Levyed Souldiers had broke into a Church, pulled away the Communion Table from the Altar, *&c.* and burnt the Railes that were about it, before the door of the Miniſters Houſe, frightning him therewith, ſo that he forſook his Houſe for a time; Now the Aſſizes being near at hand, the Lords of the Privy Council thought fit to write this enſuing Letter.

Commiſſioners to attend the tryal of the *Eſſex* Offenders.

'THeir Lordſhips this day ſitting in Council upon weighty and good Conſiderations, did think fit and order that the Earl of '*Warwick*, and the Lord *Maynard*, Lords Lieutenants for the County 'of *Eſſex*, ſhould be hereby prayed and required to give Command, 'and provide that all the Commiſſioners appointed in his Majeſties 'late Commiſſion of *Oyer* and *Terminer*, iſſued for the enquiry and 'puniſhment of the late Rioters and ſuch like Offenders within that 'County, ſhould not fail of being preſent, together with the ſaid 'Lords Lieutenants themſelves in their own perſons, at the time of 'executing the ſaid Commiſſion, and of the Trial that is to be had of 'the ſaid offenders, and more eſpecially that the ſaid Lords Lieute-'nants, Sir *Thomas Barrington*, Sir *Harbottle Grimſton*, Knights and Ba-'ronets, and Sir *William Hix*, Baronet, do by no means fail of being 'preſent thereat, together with the Judges, and attending upon the 'ſaid Commiſſion, until the ſame be fully executed. Whereof they the 'ſaid Lords Lieutenants for themſelves and all the ſaid Commiſſio-'ners, more eſpecially the three Gentlemen herein named, are here-'by required to take notice, and to govern themſelves accordingly.

Aug. 26. Directions for *Commiſſions of Array* to ſome fit perſons, for as much as the Earl of *Northumberland*, *&c.* cannot be in perſon in the *North.*

'WHereas the Kings Moſt Excellent Majeſty before his depar-'ture for the Northern parts, did declare and give order that 'Commiſſions of Array ſhould be diſpatched into all the Counties of '*England* and *Wales*, whereby the better to enable the Lords Lieute-'nants in doing his Majeſties ſervice, according to the ſeveral duties 'of their places, in this ſtirring and dangerous time: Their Lord-'ſhips having this day taken conſideration thereof, together with the '*Lord Keeper* of the Great Seal of *England*, now preſent in Council, 'It was thought fit and ordered, that his Lordſhip ſhould forth-'with take effectual care for the iſſuing thoſe Commiſſions ac-'cordingly. And that the Commiſſion to be iſſued for the County 'of *Cumberland*, which is under the Earl of *Arundel* and *Surry*, Earl 'Marſhal of *England*, and of his Son the Lord *Maltravers*, that in 'regard neither the ſaid Earl nor his Son can perſonally be preſent in 'the ſaid County by reaſon of their other ſaid great occaſions of his 'Majeſties Service in theſe Southern Parts; as alſo the Commiſſion 'for the County of *Northumberland*, which is under the Earl of 'Northumberland, Lord High Admiral of *England*, that in regard the 'ſaid Lord High Admiral cannot be perſonally preſent in the ſaid 'County of *Northumberland* by reaſon of his Lordſhips *extremity of* '*Sickneſs*; It was ordered that the ſeveral Commiſſions for thoſe 'Counties ſhould be directed to ſuch perſons of Quality and Worth,

'whom

'whom the ſaid Lords Lieutenants ſhould thereto name, and recommend unto the *Lord Keeper*. And that the like courſe ſhould be taken for the Counties, which are under the Lieutenancies of the Lord Chamberlain, and the Earl of *Holland*, and ſuch other Lords Lieutenants, who being now tyed to attend his Majeſty in perſon in the *North*, cannot themſelves be preſent in their Lieutenancies, who are to have notice of this their Lordſhips Order, and are hereby to be prayed and required to ſend ſuch names unto the *Lord Keeper*, of perſons upon whom they can confide, that the ſame may be inſerted in the ſaid Commiſſion, who in abſence of the ſaid Lords Lieutenants, are thereby to be Authoriſed for the full performance of all Service required by the aforeſaid Commiſſion to be iſſued for the Biſhop of *Durham*, Lord Lieutenant of that County *Palatine*, which *Commiſſion of Array* is to be directed unto them both. *16 Caroli.*

At WHITE-HALL, Aug. 26. 1640.

An Order and Direction of the Lords of the Privy Council, to put the *Commiſſion* of *Array* in Execution.

The Captain General of his Majeſties Forces on the South of *Trent* to take Order that all that are able to bear Armes be in readineſs, the *Scots* having actually invaded the Kingdom.

'WHereas the Kings Majeſty having for the Defence of this Kingdom in this occaſion of the Rebellion of the *Scots*, and for other great and weighty Conſiderations given his Royal Commiſſion unto the *Earl Marſhal* of *England* of Captain General of all his Majeſties Forces on this ſide *Trent*, and hath by his private Inſtructions unto the ſaid Earl enjoyned his Lordſhip to receive the advice and direction of the Lords of his Council, or of ſix or more of them, who ſhall be reſident here in his Majeſties ſervice, when to put the ſame in execution, It being this day made known unto their Lordſhips by Mr. Secretary *Windebanke*, that the ſaid Rebels were paſſed over the River *Tweede*, and were entred and marched with great Forces within this Kingdom, the ſaid *Earl Marſhal* hereupon moving their Lordſhips, for their direction as aforeſaid, It was thought fit and ordered by the Board, that the ſaid *Earl Marſhal* ſhould be hereby prayed and required with all expedition to proceed to the execution of his Lordſhips ſaid Commiſſion, and that for this end he ſhould write Letters to all the Lords Lieutenants, and in their abſence to their Deputy Lieutenants of all the Counties that are within his Commiſſion, whereby to require them to have in readineſs, not only all the Trained Bands both Horſe and Foot of their ſeveral Lieutenancies, but likewiſe all other perſons that are able either in Body or Eſtate to do ſervice, to be put into the beſt order they can for Arms both for Horſe and Foot, and be ready either to defend the County in which they dwell, or to come under the Command and Conduct of their Lords Lieutenants, or their Deputy Lieutenants, to ſuch Rendezvouz elſewhere, and at ſuch times for the defence of the publick as the ſaid Captain General, or in his abſence his Lieutenants ſhall appoint, and all to be in ſuch readi-

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'neſs, that they may be able to march at twenty four hours warning 'at the fartheſt, after Command to be received from him or his Lieu- 'tenant on that behalf. And although the ſaid Captain Ceneral 'hath full power of himſelf to call for all Forces both of Horſe and 'Foot, as well Trained Bands as others within his ſaid Commiſſion 'to attend ſuch Rendezvouz, and at ſuch time, and upon ſuch warn- 'ings as he ſhall judge fit according to the neceſſity of affairs, Yet 'his Majeſty being now in the *North*, and ſeeing all things there at a 'nearer diſtance, It was further thought fit and ordered by their 'Lordſhips, that his Majeſties Attorney General ſhould prepare a 'Draught of a Proclamation fit for his Majeſties ſignature, to de- 'clare his Majeſties pleaſure in the premiſes, to the end that all true 'obedience, aid and aſſiſtance may be given unto the Commands 'and Directions of the ſaid *Earl Marſhal* and his Lieutenant from 'time to time in the execution of his Lordſhips aforeſaid Commiſſi- 'on; Nevertheleſs his Majeſties pleaſure is that for ſuch Forces as 'are or ſhall be Commanded by himſelf, or Levyed by his Majeſties 'Captain Ceneral of his Army, for his Majeſties ſervice in the *North*, 'that they ſhall be ſpared from ſerving in his Majeſties Army on this 'ſide *Trent*.

Aug. 26. 1640.

Henry Bold to be furniſhed with Carts, Horſes, *&c.* in his paſſage with the Earl of *Straffords* proviſions.

A Warrant with General Directions as followeth.

'WHereas there are ſix Waggons and two Carts now ſent to- 'wards his Majeſties Army in the *North* parts, under the 'Charge of the bearer hereof, *Henry Bold*, with divers Proviſions 'for our very good Lord the Earl of *Strafford*, Lord Lieutenant Gene- 'ral of his Majeſties ſaid Army, Theſe are ſtraitly to Charge and 'Command you and every of you, whom it may concern, in caſe 'any of the ſaid Waggons and Carts, or the Horſes belonging to 'them, ſhould fail in that Journey, the ſaid *Henry Bold* paying for 'them ſuch reaſonable prices as are accuſtomed in his Majeſties like 'ſervices. And we do likewiſe hereby Will and Command you to 'give any other further aſſiſtance herein, which ſhall be needful for 'the ſafe and ſpeedy paſſage of the ſaid proviſions to his Majeſties ſaid 'Army, as you will anſwer the contrary at your perils. Dated at 'White-Hall *Auguſt* 26. 1640. Signed by

Lord Arch-Biſhop of Canter- bury.
Lord Keeper.
Lord Treaſurer.
Earl of Dorſet.
Lord Newburgh.
Mr. Secretary Windebanke.
Sir Thomas Rowe.
Lord Chief Juſtice of the Common Pleas.

ON the twenty ſeventh of *Auguſt* in the Forenoon, his Majeſty re- ceived intelligence from the Lord *Conway*, that the *Scots* would that night be near *Newcaſtle* with their Army, craving his Majeſties pleaſure and directions, about the diſpoſing of his Army to the In- terruption of the march of the *Scots*.

The King immediately called the Gentry of *Yorkſhire* then at *York* together, to wait upon his Majeſty, to whom the Earl of *Strafford* made a Speech, (the King being preſent) to the effect following.

'That

16 *Caroli.*
Aug. 27. 1640.
The Earl of *Strafford's* Speech to the Gentry of *Yorkshire.*

'THat the *Scots* have Invaded *England*; this County in former times with a ſmall help beſides, kept them within 'their Bounds; their pretence to Religion appears now to be nothing 'elſe but Rebellion and Invaſion, it is now no time of Diſputation, 'but of Preparation and Action; and though ſome of my Country-'men, who would fain ſeem to the World to know much of the Law, '(but indeed, are ignorant and know nothing they ſhould) are loth 'to advance at their own Charges, I muſt let all ſuch know, that 'they, and ſo are we all bound out of our Allegiance to his Majeſty 'at our own proper Coſts and Charges to attend his Majeſty in this 'Service, in caſe of Invaſion, and that it is little leſs than high 'Treaſon in any one to refuſe it; I ſay it again, we are bound unto it 'by the Common Law of *England*, by the Law of Nature, and by 'the Law of Reaſon, and you are no better than Beaſts, if you re-'fuſe in this caſe to attend the King, his Majeſty offering in perſon 'to lead you on; and if the laſt year ye were ſo forward to at-'tend his Majeſty beyond the Frontiers of this County, to prevent 'an Invaſion, now you ſhould be far more willing, (now having 'already Invaded, and are on their march near *Newcaſtle*) It is 'your prudence to keep them from coming nearer to you, if they 'once find the ſweetneſs of your ſoyle, they will hardly depart from 'the ſame. In a word, Gentlemen, if you will be cloſe fiſted, and 'not open your purſes, nor attend the King's perſon, you muſt be 'content to loſe all, but if you will be free and liberal you will 'ſave all.

'But Sir, I muſt not lay the whole Burthen upon this County, 'ſhall they bear the Burthen and the Brunt, and other Counties reap 'the Benefit, and not Contribute towards the Charges? Let '*Northamptonſhire*, *Leiceſterſhire* and other Counties bear a proporti-'onable part, (and great reaſon too, ſaid his Majeſty): ſpare me one 'word more, ſaid the Earl, for this County in eighty eight, they were 'brought from ſix thouſand to twelve thouſand of the Trained Bands, 'by reaſon of the then Preſſing occaſion, but with promiſe to be re-'duced to their former number, that ſervice being done; yet not-'withſtanding they have continued to twelve thouſand ever ſince. 'I ſhall therefore become a humble ſuiter to your Majeſty, that af-'ter this ſervice done, they may be reduced to their former num-'ber, or at leaſt four thouſand to be abated; I will, ſaid the King, up-'on my Royal word, take off four thouſand from the twelve thou-'ſand after this ſervice done; and I give my Lord Lieutenant thanks 'for his motion, though I had before declared to the Marqueſs my 'Intention therein.

The Earl of *Strafford* ſends a Pacquet to the Lord *Conway.*

PReſently after the Earl of *Strafford* had ended this Speech to the Gentry of *Yorkſhire*, he immediately prepared a Pacquet to be ſent Poſt to the Lord *Conway*, then underſtanding the *Scots* were come near *Newcaſtle*. And the Author of theſe *Collections* being newly come Poſt from *London* to *York*, and hearing a Pacquet was about to be ſent to *Newcaſtle*, took the opportunity to bear the meſſenger company thither: but when the Authour and the Meſſenger with the Pacquet came to *Newcaſtle* upon the twenty eighth of *Auguſt* in the morning, they were informed that the Lord *Conway* was gone to the

Armv

An. 1640. Army near *Newborn*, whither we went immediately, and found the Lord *Conway* and the Field Officers at a Council of War at *Stella*, half a mile diſtance from the Army, and delivered the Lord *Conway* the Pacquet, which being opened, it contained ſpecial Orders to prepare the Army for an Engagement with the *Scots*. Whileſt they were in debate of this matter, an *Herauld* came in all haſte from the Army to acquaint the Lord *Conway* and Council of War, that the Army was already engaged with the *Scots*; which ſeemed ſtrange to them, becauſe orders were given not to Fight but upon the Defence: but the Council of War ſuddenly broke up and haſtened to the Army. And as it was reported, Colonel *Goring* came out of the Room where the Council of War ſate, and publickly ſaid to ſome of the Officers, that the Lieutenant General of the Army needed not to have ſent Orders to bid them Fight whatever came of it, for the Enemy had begun the work to their hands; his Majeſty and the Earl of *Strafford* were at this time at *York*.

It is delivered to him.

At the ſame time, the Army was ſuddenly Engaged.

The *Scots* ſend a Drummer to *Newcaſtle*.

IT is to be obſerved that on the ſaid twenty ſeventh of *Auguſt*, when the *Scots* encamped their Army about *Newborne*, General *Leſly* ſent his Drummer towards *Newcaſtle*, at which time Sir *Jacob Aſhley*, Colonel *Goring* and ſome other Commanders were riding a little out of Town to view the ground near the Walls, where they met the Drummer, who being demanded whence he came, he ſaid from General *Leſly*, and ſhewed two Letters, one directed to the Commander in Chief, and the other to the Mayor of *Newcaſtle*, which Sir *Jacob Aſhley* took, and read the Superſcriptions, but in regard they were Sealed, delivered them back to the Drummer, and bid him remember his ſervice to his General, and tell him no ſealed Letters ought to be received, and if he ſent any more, the bearer thereof had better ſtay at home; ſo the man with his Kettle Drums on Horſeback returned, but the Contents of the Letters were not known, conceived only to be a kind of Summons.

That night the *Scots* pitched their Tents on *Heddon-Law* above *Newborne*, from whence there went a continued deſcent to the River of *Tyne*. In the night time they made great fires in and round about their Camp on an open Mooriſh ground, (having Coals plenty thereabouts) ſo that the Camp ſeemed to be of large compaſs and extent.

That night and the next morning they ſuffered any Engliſh man to come into their Camp, and made them welcome with expreſſions of great love and proteſtations of doing harm to none but thoſe who ſhould oppoſe them in demanding Juſtice of the King againſt *Incendiaries*.

The ſame night part of the Kings Army conſiſting of three thouſand Foot and fifteen hundred Horſe were drawn forth into a plain Meadow ground which was near a mile in length, cloſe on the South ſide of *Tyne* called *Newborne-Haugh* or *Stella-Haugh*, to hinder the *Scots* from paſſing the River in the night time, where were two ſeveral Sconces or Breaſt-works raiſed by the *Engliſh* againſt the two Fords, which the *Scots* might paſs over at Low water, for till then they could not paſs the *Tyne*, and into each Sconce were put four hundred Muſqueteers and four pieces of Ordinance.

The

The Horſe were drawn into Squadrons in the ſaid *Haugh* at ſome diſtance from the Foot, in this poſture Horſe and Foot guarded the River all that night and the next day, till the engagement. 16 *Caroli.*

The *Scots* all the forenoon watered their Horſes at one ſide of the River and the *Engliſh* on the other ſide without affronting one another or giving any reproachful language.

The *Scots* having the advantage of the riſing ground above *Newbourne* eaſily diſcerned the poſture and motion of the *Engliſh* Army below in the Valley on the Southſide the River, but the poſture of the *Scots* Army the *Engliſh* could not diſcern by reaſon of the Houſes, Hedges and Incloſures in and about *Newbourne*. The *Scots* brought down Cannon into *Newbourne* Town, and planted ſome in the Church Steeple a ſmall diſtance from the River *Tyne*, their Muſqueteers were placed in the Church, Houſes, Lanes and Hedges in and about *Newbourne*.

The Skirmiſh began thus (as the Author of theſe Collections was informed, being then upon the place). A Scottiſh Officer well mounted having a black Feather in his Hat came out of one of the thatcht houſes in *Newbourne* and watered his Horſe in the River *Tyne*, as they had done all that day, an Engliſh Souldier perceiving he fixed his eye towards the Engliſh Trenches on the South-ſide of the River fired at him (whether in earneſt, or to fright him is not known) but wounded the Scotiſh man with the ſhot, who fell off his Horſe, whereupon the Scotiſh Muſqueteers immediately fired upon the *Engliſh*, and ſo the fight begun with Small-ſhot, but was continued with great ſhot as well as ſmall.

The *Scots* played with their Cannon upon the *Engliſh* Breaſtworks and Sconce; The Kings Army played with their Cannon to beat the *Scots* out of the Church-ſteeple; thus they continued firing on both ſides, till it grew to be near low water, and by that time the *Scots* with their Cannon had made a breach in the greater Sconce which Colonel *Lunsford* commanded, wherein many of his men were killed and began to retire, yet the Colonel prevailed with them to ſtand to their Armes, but preſently after a Captain, a Lieutenant, and ſome other officers more were ſlain in that work. Then the Souldiers took occaſion to complain that they were put upon double duty, and had ſtood there all night and that day to that time, and that no Souldiers were ſent from the Army at *Newcaſtle* to relieve them; but Colonel *Lunsford* again prevailed with them not to deſert their Works, but another Cannon-ſhot hitting in the Works amongſt the Souldiers, and killing ſome more of them, they threw down their Armes and would abide in the Fort no longer.

The Enemy on the riſing Hill above *Newbourne* plainly diſcerned the Poſture of the King's Army, and how the Souldiers had quit the great Work, and being low Water, the *Scots* commanded a Forlorn party of twenty ſix Horſe, being Gentlemen of the Colledge of *Juſtice Troop*, to paſs the River which they did with ſome ſwiftneſs, their orders were only to make diſcovery in what poſture the Souldiers were about the uppermoſt Work, but not to come to cloſe engagement, but fire at a diſtance and retreat.

The *Scots* playing at this time very hard upon the furthermoſt Trench, forced the *Engliſh* Foot to retreat from that work alſo, which the *Scots* diſcerning on the riſing ground at *Newbourne*, more Horſe commanded

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commanded by Sr. *Thomas Hope*, and two Regiments of Foot commanded by the Lord *Craford Lindſey* and Lord *Lowdon* waded through the River, and General *Leſly* at this inſtant of time played hard with nine piece of Cannon from a new Sconce which they had raiſed on a Hill to the *Eaſt*, and ſo galled the King's Horſe drawn up in plain Meadow ground, that it much diſordered them, and ſending more Forces over the River, a retreat was ſounded, and Colonel *Lunsford* drew off the Cannon. Immediately Commiſſary *Wilmot* Son to the Lord *Wilmot*, Sr. *John Digby* a *Romiſh* Recuſant, and *Daniel O Neal* an *Iriſh-man* joyntly engaged the Enemy, and had a ſharp Encounter with their Horſe, they being commanded to bring up the Rear, whileſt the Foot retreated up *Riton* and *Stella* Banks, but the *Scots* with their freſh Supply newly come over the River, environed theſe three Commanders, and took them and ſome others of their Troops Priſoners; General *Leſley* treated theſe Commanders nobly in the *Scots* Camp, and afterwards gave them their liberty freely to return to the King's Army.

In this Engagement Cornet *Porter*, Son to *Endymion Porter* of the Bed-Chamber was ſlain, and during the whole Fight about ſixty men more as the *Scots* told us, after the Ceſſation of Armes was agreed unto; for the *Scots* buried the dead; and afterwards they further told us that moſt of them that were killed lay about the works; how many of the *Scots* were ſlain we know not. At the Engagement with the King's Horſe, none of the *Scots* of quality were ſlain, but Captain *Macgee* Son of Sr. *Patrick Macgee* Sheriff of *Galloway*, and one Mr. *Thomas Dacolmy* a Gentleman of the General's Life-guard.

Engliſh Army retreats to *Durham.*

After this retreat the Lord *Conway* called a Council of War, and it was there reſolved at twelve at night, that the whole Army ſhould retreat to *Durham* Horſe and Foot, and Train of Artillery, and to quit *Newcaſtle.*

THe next day being *Saturday*, *Auguſt* 29. the Lord *Conway* and Sr. *Jacob Aſhly* by five of the Clock in the Morning cauſed all the Souldiers both Foot and Horſe in *Newcaſtle* to march away with the Ordnance and other Warlike Proviſion to *Durham*, leaving *Newcaſtle* naked of Souldiers, and in the Afternoon *Douglaſs* Sheriff of *Tividale* came with a Trumpet, and certain Troops of Horſe to the Gates at *Newcaſtle* which were ſhut againſt him, and after ſome Parley and Threatning to plant Ordnance againſt the Town, the Mayor Sir *Peter Riddel*, Knight, (who was deſtitute of men and Armes to defend the Town) opened the Gates and ſuffered him to come in, and the next day being *Sunday*, fifteen Lords and *Douglaſs* came and dined with the Mayor, drank a health to the King, had three Sermons that day by their own Divines. On *Monday* after *Leſly* came and pitched his Tents on *Gateſide* hill, half a Mile South of *Newcaſtle.*

The Scots enter *Newcaſtle.*

ON *Tueſday*, *Septemb.* 1. he demanded of the Mayor of the Town to Bake certain quantities of Bread, and to Brew ſo may Tun of Beer a day, which the Mayor unwilling to undertake, the *Scots* employed men about it, giving money in part, and a Note in Writing as ſecurity for the reſt.

On

16 *Caroli.*

ON *Thurſday*, *Sept.* 3. there came a Smmons to Sr. *William Bellaſis*, Knight, Sheriff of the County Palatine of *Durham*, and Sr. *William Lambton*, Knight, two Gentlemen of good quality in the ſame County, (the latter of which was afterwards at *York* Battle ſlain fighting under the King's Colours), which Summons was to appear before General *Leſley* at his Leagure at *Newcaſtle* on *Saturday* the fifth of *September*, by eight of the Clock, Signed by *Montroſs*, *Rothes*, and *Lindſey*; and accordingly they went (having firſt obtained leave from the King to go to the *Scots* Quarters for the good of the Countrey); that Summons under thoſe *Scots* Lords hands was to require the Countrey to bring in Proviſion to the *Scots* Army upon payment of money in part, and ſecurity for the reſt, or otherwiſe they muſt take it without Security.

The great fear of the Inhabitants of *Newcaſtle*, after the defeat at *Newborn*.

At this time *Newcaſtle* and the Cole-Mines that had wont to employ ten thouſand people all the year long about their Coalery, ſome working under ground, ſome above, others upon the water in Keels and Lighters, now not a man to be ſeen, not a Coal wrought, all abſconding, being poſſeſt with a fear the *Scots* would give no Quarter; 400 ſhips uſing to be there often at a time in the River, not a ſhip durſt come in, and an hundred and odd coming to the mouth of the Haven the day after the Fight, and hearing the *Scots* had poſſeſſed *Newcaſtle* returned all empty, and Tradeſmen in the Town for ſome dayes kept their ſhops ſhut, many Families gone leaving their houſes and goods to the mercy of the *Scots*; who poſſeſſed themſelves of ſuch Corn, Cheeſe, Beer, *&c.* as they found, giving the owners thereof or ſome in their ſtead ſome money in hand and ſecurity in writing for the reſt to be paid at four or ſix months end, in money or Corn, and if they refuſe, ſaid the *Scots*, ſuch is the neceſſity of their Army, that they muſt take it without ſecurity rather than ſtarve.

As alſo of *Durham*.

As for the City of *Durham*, it became a moſt depopulated place, not one ſhop for four dayes after the fight open; not one houſe in ten that had either man, woman or child in it, not one bit of bread to be got for money, for the Kings Army had eat and drank all in their march into *Yorkſhire*, the Countrey People durſt not come to Market, which made that City in a ſad condition for want of Food.

At this time a Letter came from the Lord Lieutenant General of the Army to bury or break every upper Milſtone, and drive and carry away all Cattle and Goods to a great diſtance, inſomuch that moſt drove their Cattle and Sheep into *Yorkſhire*, and removed moſt of their Families thither alſo.

ON the ſaid *Auguſt* 29. Dr. *Morton* Biſhop of *Durham* a learned and moderate Biſhop had an account of the Defeat at *Newborne*, and that the King's Army was Retreating into *Yorkſhire*, whereupon the ſaid Biſhop went to his Caſtle at *Stockton* in the Biſhoprick of *Durham*, ſtanding on the edge of *Yorkſhire*, but he quickly removed thence into *Yorkſhire*, but Dr. *Belcanqual* Dean of *Durham* fled in great haſte, becauſe he underſtood the *Scots* gave out that they would ſeize upon him as an Incendiary for writing the King's large Declaration againſt

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the *Scots*; all the reſt of the Clergy of *Durham* fled away alſo, and the *Scots* ſhortly after employed men to receive their Rents, and the Rents of Papiſts for the uſe of the *Scotiſh* Army.

THe News of this Defeat met the Earl of *Strafford*, *Auguſt* 29. the next day at *Darlington*, fourteen Miles *South* of *Durham*, and about twenty ſix Miles from *Newcaſtle*, and as far from *York*, purpoſing to have been with the Army before any Engagement; but now endeavouring to make the beſt he could of an ill buſineſs, he ſent a Meſſenger to the Army, requiring the Chief Officers to Rally thoſe Forces that were ſcattered, and to keep cloſe in a Body and March into *Yorkſhire*.

THe ſame day the King was come from *York* as far as *Northallerton* towards the Army, being ten miles ſhort of *Darlington*, hoping to have been with them at a Fight with the *Scots*; but underſtanding his Army was Defeated and upon their Retreat, and had quit *Newcaſtle* to the *Scots*, his Majeſty haſtened back again that night to *York*. And the ſame day the Earl of *Strafford* ſent out this following Order to deſtroy Milſtones, *&c.*

The Earl of Strafford *Lord Lieutenant General of his Majeſties Army, To all Sheriffs, Conſtables of the peace, high Conſtables and other his Majeſties Officers.*

Aug. 30. The Earl of *Strafford's* Warrant after the defeat given, to the King's Army at *Newborn* to break Milſtones, *&c.*

'WHereas his Majeſties Army is now marching from *Newcaſtle* 'to *Darlington*, and the Villages thereunto adjacent, Theſe 'are ſpecially to require you, and the reſt of the high Conſtables, to 'uſe your utmoſt diligence in cauſing to be brought hither by four a 'Clock this Afternoon at the fartheſt, all ſuch quantities of Butter, 'Bread, Cheeſe, and Milk as you can poſſibly furniſh for the Victual-'ing of his Majeſties ſaid Army, which being brought hither by the 'ſeveral owners, I ſhall take ſpecial care to ſee them juſtly ſatisfied 'the price of their ſaid Commodities, It being his Majeſties Gracious 'intention, there ſhall be no Burthen nor Oppreſſion to his Majeſties 'good and loving Subjects. Theſe are likewiſe farther to require you, 'that with the aſſiſtance of the Juſtice of peace adjoyning, you give 'order for the taking away of all the *upper Milſtones* in all the Mills 'in that your Ward, and to bury or otherwiſe to break them, that 'the ſaid Mills may not be of any uſe to the Army of the *Scotch* Re-'bels. You are likewiſe to require all his Majeſties Subjects, to re-'move all their Cattle, and other goods, aſſoon as poſſibly they can, 'out of their Countrey into places more remote, and of greater ſafety 'for them, until the return of his Majeſty, which will be very ſhortly 'by the help of God, that his good Subjects may be powerfully ſecu-'red from the fears and dangers threatned by the ſaid Rebels.

Given under my Hand and Seal at Darlington, Aug. 30. 1640.

Strafford.

After

16 *Caroli.*

After the Arrival of the Kings Army in the County of *York*, a Muſter was taken thereof, which was as followeth:

A Liſt of the Strength of the Kings Majeſties Army, both Officers and Soldiers, as they were Muſtered.

Lord General	160
Lieutenant Collonel Aſhburnham	162
Serjeant Major Latham	93
Captain Fludd	103
Captain Waſhington	95
Captain Atkins	101
Captain Dowſe	72
Captain Chudleigh	108
Captain Sandford	74
Captain Parramore	92
Captain Edwards	110
Captain Hearne	98
	1268
Lord Marqueſs Hamilton	211
Lieutenant Collonel Feilding	164
Serjeant Major Berry	150
Captain Dawſon	110
Captain Monyngs	109
Captain Smith	106
Captain Payne	106
Captain Langley	107
Captain Walthall	109
Captain Bozoone	110
Captain Greve	110
Captain St. John	103
Captain Watſon	108
	1603
Lord Newport	163
Lieutenant Collonel Moncke	125
Serjeant Major Warren	112
Captain Sheldon	95
Captain Kirten	78
Captain Croft	83
Captain Coape	78
Captain Stradling	74
Captain Barrowes	93
Captain Vaupere	77
	0978
Sr. Jacob Aſhley	133
Lieutenant Collonel Selvin	91
Serjeant Major Aſhley	99
Sr. William Udall	88
Captain Baynton	101
Captain Townſend	90
Captain Aſhley	78
Captain St. John	90
Captain Ruſſell	94
Captain Bellaſis	88
	0952
Collonel Goring	96
Lieutenant Collonel Kirke	99
Sergeant Major Willis	97
Captain Gray	87
Captain Predeaux	66
Captain Garrat	76
Captain Menns	48
Captain Danyell	89
Captain Shelley	59
Captain Elliot	66
	0783
Lord Grandeſon	172
Lieutenant Collonel Ballard	72
Sergeant Major Sibthorp	106
Captain Pretty	103
Captain Ellis	82
Captain Leſsley	96
Captain Boys	91
Captain Villars	98
Captain Smith	77
Captain Varvay	99
	0996
Lord Barramore	181
Lieutenant Collonel Lawday	169
Sergeant Major Uſher	148
Captain Trafford	97

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Captain Bryan	95	*Captain* Roberts	76
Captain Gifford	103	*Captain* Thurland	94
Captain Hemſley	105	*Captain* Cooke	82
Captain Gray	107	*Captain* Boyer	88
Captain Gwyn	104	*Captain* Nicholls	61
Captain Cary	105		0912
	1214		
		Sr. Charles Vavaſor	200
Collonel Wentworth	191	*Lieutenant Collonel* Tyrwhit	155
Lieutenant Collonel Wayte	135	*Sergeant Major* Apleyard	146
Sergeant Major Brockit	134	*Captain* Donnell	108
Captain Holman	89	*Captain* Scudamore	100
Captain Floyd	101	*Captain* Wynd	99
Sr. Chriſtopher Abdy	97	*Captain* Thornton	109
Captain Fotherby	92	*Captain* Pate	84
Captain Parry	103	*Captain* Kinſmell	93
Captain Stanbury	94	*Captain* Bridgman	74
Captain Roberts	103		1163
	1139		
		Collonel William Vavaſour	101
Collonel Glemham	212	*Lieutenant Collonel* Mynn.	80
Lieutenant Collonel Pawlet	166	*Sergeant Major* Padgit	74
Sergeant Major Kirkby	128	*Captain* Britt	62
Captain Perkins	110	*Captain* Holtby	60
Captain Wythers	101	*Captain* Nicholls	56
Captain Story	94	*Captain* Leighton	56
Captain Coddrington	103	*Captain* Ferrer	59
Captain Walgrave	108	*Captain* Bowes	60
Captain Mynn	98	*Captain* Baskavell	62
Captain Dymmocke	91	*Captain* Maxwell	85
	1211		0755
Sr. John Merricke	189	*Collonel* Lonsford	163
Lieutenant Collonel Carue	153	*Lieutenant Collonel* Lonsford	71
Sergeant Major Davis	140	*Sergeant Major* Gibbs	72
Captain Broughton	94	*Captain* Powell	62
Captain Seymer	92	*Captain* Lonsford	87
Captain Button	97	*Captain* Pomeroy	84
Captain Hide	103	*Captain* Martin	75
Captain Herbert	109	*Captain* Dillon	61
Captain Skrimſhawe	97	*Captain* Capper	68
Captain Maxie	103	*Captain* Hippiſley	72
	1177		0815
Sr. Thomas Culpeper	160	*Sr.* William Ogle	175
Lieutenant Collonel Gibſon	90	*Lieutenant Collonel* Bucke	146
Sergeant Major Ogle	90	*Sergeant Major* Baſſet	106
Captain Owen	81	*Captain* Ferrer	70
Captain St. Leger	90	*Captain* Andrewes	44

Captain

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Captain Ventris	57	*Sergeant Major* Conisby	140
Captain Sandys	53	*Captain* Lu-kin	98
Captain Griffith	59	*Captain* Bradſhaw	97
Captain Cary	64	*Captain* Kayes	95
Captain Fleetewood	39	*Captain* Leighton	95
	0813	*Captain* Thomas	96
		Captain Thilwell	95
		Captain Apleton	92
Collonel Feilding	205		
Lieutenant Collonel Bole	160		1173

The Number of the laſt Muſter was	17420
The Number of this Muſter is	16957
Beſides dead, and run away ſince the laſt Muſter not put in the Total of the Books ſent up unto his Excellency, the Number of	00426
Which being added to this Muſter, maketh the Number of	17383
Which is leſs than the laſt Muſter the Number of	00037

Witneſſed under our Hands,

Ralph Errington, Deputy Commiſſary,
Henry Fenwicke, Deputy Commiſſary.

The Names of all the Collonels, Lieutenant Collonels, Sergeant Majors, Captains, Lieutenants, Enſignes, Preachers, Chirurgeons, Quarter Maſters, Provoſt Marſhals under his Excellency the Earl of *Northumberland*, Captain General for this Expedition 1640. Taken according to the Muſter Roll after the Armies Retreat from *Newcaſtle* into *Yorkſhire*.

His Excellency Algernon *Earl of* Northumberland *Captain General.*

William Aſhburnham Lieutenant Collonel.

Thomas Latham Sergeant Major.

Captains.

Charles Lloyde
Henry Waſhington
Jonathan Atkins
Richard Dowſe
Giles Porter
James Chudley
George Herne
John Edwards.

Lieutenants.

Guy Moleſworth
Lewis Gifford
John Tooley
Henry Chayton
William Moore
William Palmer.
Barnaby Bradford
Edward Landen.

Thomas

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Thomas Wylde
Nathanael Dillon
Triſtram Fenwicke
Roger Larrimore.

Enſignes.

John Newton
William Wentworth
Thomas Parrimore
Stephen Dawſon
Charles Foſter
Henry Miller
Robert Brandling
Robert Marſh
Edward Jackſon
John Hilderſon
John Salkeld
David Farrington
Preacher Mr. *William Cox*
Chirurgeon *Laurence Lowe*
Quarter-maſter *Thomas Sandford*
Provoſt Marſhal *James Jeſtres.*

The Right Honourable Edward *Lord Viſcount* Conway, Captain General *of the Horſe, conſiſting of* 35. *Troops already raiſed.*

II.

Earl of Newport, Collonel.
George Moncke, Lieutenant Coll.
Henry Warren, Sergeant Major.

Captains.

Robert Croſts
Thomas Shelton
John Stradling
Poſthumus Kirton
William Cope
Henry Vanpeere
Caſhea Burrowes.

Lieutenants.

George Lower
Arthur Moncke
Thomas Vaughan
Edmund Goffe
George Cooke
John Hoskins
John Weekes
James Gardiner
Owen Owens
Daniel Don.

Enſignes.

John Hamond
Richard Legg
John Fox
John Blunt
Thomas Paramore
Montague Sanderſon
John Lutterell
John Waſhington
Edward Armory
Robert Bonny.
Preacher, *Higham Gibbs.*
Chirurgeon, *Anthony Coquinx.*
Quarter-maſter *George Lawdy.*
Provoſt, *John Parker.*

III.

Sr. *Jacob Aſhley*, Collonel.
Sr. *Nicholas Selwin*, Lieutenant Collonel.
Bernard Aſhley, Sergeant Major.

Captains.

Sr. *William Vudall*
Robert Townſend
James Baynton
William Bellowes
Robert Ruſhell
Edward Aſtley
St. Johns.

Lieutenants.

William Lower
Michael Bedolph
Edward Fowles
George Slatford
Deverex Gibbons
John Haſlewood
Iſaac Cobb
Theodore Paleologus
Thomas Colbie
Henry Somerſter.

Enſignes.

Edward Courtney
Bray Knight
Francis Gay
Walter Neale
Peregrine Tasburgh
Hugh Pomeroy
Edward Nelſon
Charles Thompſon
Oxford
George Fuller
Preacher, *John Kowland.*
Chirurgeon,

Chirurgeon, *John Auſtin*
Quarter-maſter. *Rawlins.*
Provoſt Marſhal, *Paul Knight.*

IV.

George Goring, Collonel.
Thomas Kirke Lieutenant Coll.
Richard Willis Sergeant Major.

Captains.

Henry Sully.
William Preddooks
Andrew Menns
Charles Gerrard
Edward Gray
Richard Elliot
Thomas Danil

Lieutenants.

Richard Dowes
William Langon
William Swan
Henry Cooke
John Marly
Thomas Throgmorton
Robert Noyſe
Francis Grover
Daniel More
Phillip Honywood.

Enſignes.

Richard Lovellis
Henry Crompton
Warren
John Terwhit
John Millard
John Barbridge
Francis Liſle
Ralph Brandling
Joſeph Brand
Arthur Chaune
Preacher, *Richard Lloyde.*
Chirurgeon,
Quarter-maſter, *Ben. Lawerowyes.*
Provoſt Marſhal, *Thomas Broxley.*

V.

The Lord Viſcount Grandiſon, Collonel.
Thomas Ballard, Lieutenant Coll.
Henry Sibthrope, Sergeant Major.

Captains.

William Pretty
Francis Smith
Edward Villars
Thomas Ellis
George Liſle
Edward Orney
John Boyes

Lieutenants.

Thomas Browne
William Alford
John Malorye
William Smith
Robert Wiltſhire
Robert Wynd
John Eaton
Daniel Broughton
Francis Gaudy
Phillip Ballard.

Enſignes.

John Bennet
John Carter
Hugh Juſtice
Henry Crooker
Henry Payton
Ralph Sparkes
Henry Marſhin
John Cooney
John Walters
Thomas Kent, Preacher.
John Earnleſe, Chirurgeon.
Quarter-maſter, *Phillip Cooke.*
Provoſt Marſhal, *Marmaduke Collins.*

VI.

David Earl of Barrimore, Coll.
Garret Barry, Lieutenant Coll.
James Uſher, Sergeant Major.

Captains.

Thomas Trafford
John Fitzgerald
Miles Power
Henry Obrian
George White
Charles Heniſe
Garret Parſell.

Lieutenants.

Daniel Bolton
David Barry
Richard Greatrix
Thomas Pheaſant
Lodowicke Price
Samuel Wright
William Weſton

John

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John Ruſſell
Charles Stepkin
Richard Barry

Enſignes.

William Barry
Phillip Barry
James Daliochin
John Barry
Nicholas Barry
Neptune Howard
James Bladwell
William Norcott
Robert Roſington
William Tomkins.

Preacher, *John Rocke.*
Chirurgeon, *Charles Oxenbridge.*
Quarter-maſter, *Thomas Owens*
Provoſt Marſhal, *John Baldwin.*

VII.

Arthur Aſton, Collonel.
Richard Bole, Lieutenant Coll.
Robert Cogningesby, Sergeant Major.

Captains.

Iſaac Lukine
Richard Bradſhaw
Henry Keyes
Henry Thomas
Thomas Leighton
William Courtney
James Thomſon.

Lieutenants.

Thomas Minn
William Keeling
Richard Spoore
William Roſton
John Skipwith
Charles Hales
Celeſtine Bingham
Vul Wright
Nathanael Moyle
Stafford Sherborne.

Enſignes.

Francis Aſton
Robert Bowles
Phillip Loves
Robert Smith
John Atkins
James Browne
Robert Nelſon
George Leigh
Richard Leigh
John Mynne

Preacher, *Henry Jones.*
Chirurgeon.
Quarter-maſter, *Lodowick Burwick.*
Provoſt Marſhal, *Thos. Goubourne.*

VIII.

Henry Wentworth, Collonel.
Henry Waite, Lieutenant Coll.
William Brockett, Serg. Major.

Captains.

Sr. *Chriſtopher Abdey*
William Roberts
Owen Parry
Iohn Holman
Broichel Lloyd
Henry Fothersby.

Lieutenants.

Francis Kanyer
Frederick Windſor
Francis Boyer
Hugh Williams
Ioſeph Bamfeild
Robert Bingham
Gilbert Wheathill
Iohn Higham
Thomas Stanbury
Robert Rookes.

Enſignes.

Edward Roberts
Iſaac Throughton
Iohn Thomas
Francis Smithwick
Humfrey Standburgh
William Lewis
Phillip Norris
Edmond Brockett
Iames Eſline
Robert Herne.

Preacher, Mr. *Matthew Whitley.*
Chirurgeon, *Edward Hales.*
Quarter-maſter, *William Bury.*
Provoſt Marſhal, *Iohn Hodſon.*

IX.

Sr. *Thomas Glenham*, Collonel.
Sr. *Iohn Pawlett*, Lieutenant Col.
Sr. *John Beaumont*, Serg. Major.

Captains.

Captains.
Robert Kirbie
Robert Pirkins
George Whither
Waldgrave
Nicholas Codrington
Robert Mynn
Thomas Dymock.
Lieutenants.
John Waldgrave
William Pawlett
William Molineux
William Greene
Iacob Stringer
Thomas Ward
James Baſſett
Richard Norwood
William Neve.
Enſignes.
Edward Pereont
Thomas Pawlett
John Beamont
Theodore Delaſley
Thomas Sanders
Hugh Gerrard
Francis Godfery
Arthur Ward
Henry Reyley.
Preacher.
Chirurgeon, *Palmer.*
Quarter-maſter, *William Moore.*
Provoſt Marſhal, *William Swaine.*

X.

Sr. *John Mirick*, Collonel.
Thomas Carne, Lieutenant Coll.
William Davis, Sergeant Major.
Captains.
Robert Broughton
Edward Seymore
Thomas Button
William Herbert
David Hide
Charles Shrumſhaw
William May
Lieutenants.
Thomas Langham
William Mathews
John Butler
Ambroſe Tindall
John Edwards
William Mintridge
Braſſe
Waldwine
George Betts
John Lloyd.
Enſignes.
Auberry
John Luther
William Owen
Thomas Smith
Thomas Cardinall
Gelly Merick
Miles Button
Thomas Milſhaw
Woods
Thomas Thwaytes.
Preacher, Dr. *Edward Alcaron.*
Chirurgeon.
Quarter-maſter, *Henry Biſhop.*
Provoſt Marſhal, *Iſaac Chaliſe.*

XI.

Sr. *Thomas Culpepper*, Collonel.
Richard Gibſon, Lieutenant Coll.
Robert Turvill, Sergeant Major.
Captains.
Walter Owen
Lewis Lawkner
Rowland Sleger
Henry Boyer
Francis Cooke
Richard Thurland
Samuel Payton.
Lieutenants.
Daniel Nicholls
Compton Evers
John Sherman
Henry Ugall
William Mohun
Edward Louch
Richard Parker
Anthony Buſhell
Anthony Thorpe
Richard Carter.
Enſignes.
Nicholas Lidcott
Thomas Lyſter
John Chyne
Robert Goodwine
Peter Brewnett
John Steed
Lionell Beecher
Bowdon
William Waldron
John Scanderith

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Preacher, Mr. *Edward Langford.*
Chirurgeon.
Quarter-maſter, *William Weeler.*
Provoſt Marſhal, *Turner.*

XII.

Sr. *Charles Vavaſor*, Collonel.
Howard, Lieutenant Coll.
Appleyard, Sergeant Major.

Captains.

Baſcarvill
Winde
Scudamore
Therneton
Pate
Kinſman
Doneill.

Lieutenants.

Thomas Baſcarvell
William Evert
Phillip Hutton
Edward Dymmocke
Nathanael Smith
James Marwood
John Griffith
Edward Molworth
Jeremy Cheviers
George Maſters.

Enſignes.

William Blakiſtone
Averoy Maleroy
Henry Chriſwell
Richard Maſon
Samuel Mallowes
Thomas Chapline
William Carre
Edward Cropley
John Holland
Giles Palmer.
Preacher, Mr. *Thompſon.*
Chirurgeon, *Bennett.*
Quarter-maſter, *Rolland Davis.*
Provoſt Marſhal, *William Powell.*

XIII.

William Vavaſor, Collonel.
Nicholas Mynne, Lieutenant Col.
Thomas Pagett, Sergeant Major.

Captains.

Charles Gillmore
Edward Brett
William Bedingfeild
Lancelot Houlthy
Nicholls
Francis Layton
Henry Ferries.

Lieutenants.

Robert Griffith
Ralph King
Francis Cowgrave
Owen Collugno
Nicholas Hughes
Francis Mills
John Wren
Robert Nicholas
Arthur Grant
Arthur Lowe.

Enſignes.

Edward Cheſter
Finch
Henry Baggett
Thomas Audey
Charles Fox
George Drewell
Fenix Wilſon
Benjamin Brett
John Jefford
Robert Hugganes.
Preacher, Mr. *Chriſtian Sherwood.*
Chirurgeon, *Trinity Langley.*
Quarter-maſter, *Humf. Farrew.*
Provoſt Marſhal.

XIV.

Lunsford, Collonel.
Hen. Lunsford, Lieutenant Coll.
Powell, Sergeant Major.

Captains.

Dilon
Harbert Lunsford
Francis Martin
Thomas Cupper
Hugh Pomeroy
Edward Powell
Edward Hippeſley.

Lieutenants.

John Iremonger
Thomas Owen
John Sanbedge
Thomas Carrow
Ralph Lilley
Allen Povey
Poynton Caſtillion

Phillip

Phillip Chalwell
Edward Hulſtone
William Cheney.

Enſignes.

Titus Layton
Robert Skerrew
Edward Fowles
John Meredith
Pilemon Sanders
William Atkins
William Bellow
Greevile Cary
John Cole

Preacher.
Chirurgeon.
Quarter-maſter, *Anth. Witherings.*
Provoſt Marſhal, *Elias Hickmar.*

XV.

Sr. *William Ogle*, Collonel.
Brutus Bucke, Lieutenant Coll.
Richard Lawdey, Sergeant Major.

Captains.

Conſtance Ferrer
Edward Drury
Edward Andrews
Henry Ventris
Robert Sandes
Richard Power
Conyer Griffen

Lieutenants.

Fleetwood
Thomas Laward
Peter Gleane
Cornelius Ragan
George Lambert
Thomas Bennett
Charles Kirke
Edward Hackluyt
Thomas King
Francis Moore.

Enſignes.

Thomas Symoure
Edward Ogle
Bannard
Edward Maylard
Hugh Leigh
John Waite
William Andrewes
Gerrard Ogle
Hugh Gue
Robert Bacon.

Preacher, Mr. *John Phillips.*
Chirurgeon, *Henry Barker.*
Quarter-maſter, *George Liſle.*
Provoſt Marſhal, *Thomas Bragge.*

XVI.

James Marqueſs *Hamilton*, Coll.
Edward Feilding, Lieutenant Col.
John Berry, Sergeant Major.

Captains.

William Monnings
Paul Smith
Francis Langley
Jervas Paine
Howard St. Johns
Peter Walthall
Anthony Greene
Charles Dawſon
Thomas Boſome.

Lieutenants.

Moſes Treadwell
Emanuel Neale
William Denn
William Tuke
William Gualter
George Rouſe
Godard Pemberton
Thomas Throughwood
George Little
Henry Bowerman
Henry Peto
Iohn Wolverſtone
Robert Watham

Enſignes.

Bennett Prior
Henry Peters
Richard Cooke
Thomas Pergent
William Reevs
Walter Price
Anthony Williams
Iohn Prenton
Thomas Beſt
Francis Willier
Thomas Carde
Rogers
William Lane.

Preacher, Mr. *Deight.*
Chirurgeon, *Richard Smith.*
Quarter-maſter, *Io. Daniell.*
Provoſt Marſhal, *Henry Fiſher.*

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XVII.

Sr. *Nicholas Biron*, Colloneſ.
Lieutenant Coll.
Edward Aldrich, Sergeant Major.
Captains.
Iohn Watts
Thomas Sherley
Iohn Middleton
Abraham Shipman
Iames Morgan
Roger Mollineux
Sheerly Shilling
Herculus Huncks
William Paterſon.
Lieutenants.
Francis Stradling
Daniel Trever
Thomas Ruſh
Iohn Marſhall
Thomas Brumley
Iohn Carnocke
Ralph Freeman
Iohn Chonnocke
Edward Watts
Ithiell Luch
Thomas Garrett.
Enſignes.
Lambert Colield
Richard Bond
Michael Bland
Iohn Exton
Iohn Shipman
Daniel Redman
Chriſtopher Elſing
Iohn Elrington
George Hartrigg
Tho. May
Nicholas Watſon
William Winter.
Preacher.
Chirurgeon.
Quarter-maſter, *Henry Bluder.*
Provoſt Marſhal, *Iohn Fletcher.*

XVIII.

Sr. *Iames Hamilton*, Collonel.
Iohn Slaughter, Lieutenant Coll.
Frantis Story, Sergeant Major.
Captains.
Thomas Dabſcoate
Horatio Carew
Richard Munington
Thomas Gardiner
Thomas Cornewallis
Bullen Erreny
Anthony Brockett
Thomas Gifford
Thomas Buſhell.
Lieutenants.
Thomas Rockwood
William Balyes
Roger May
John Andrewes
John Grove
Duke Calton
William Corney
Thomas Townſend
Humfry Corey
John Goodrich
Francis Poore
Thomas Bancks.
Enſigns.
John Blunt
John Heaſlewood
Thomas Shelton
William Stratford
George Burwell
Iſaac Wally
John Food
Thomas Leigh
Robert Bayles
John Lycent
Edward Purpitt
John Jervas.
Preacher Mr. *Henry Miller.*
Chirurgeon.
Quarter-maſter, *Will. Dethick.*
Provoſt Marſhal, *Will. Richardſon.*

XIX.

Sr. *Jo. Dougleſs*, Collonel.
Sr. *Mathew Carry*, Lieuten. Coll.
Arthur Baſſet, Sergeant Major.
Captains.
Sr. *John Le Hunt*
Charles Ventreſs
Edward Kingſtone
Thomas Middleton
James Barſey
James Powell
Robert Burghill
Nicholas Parker

George

George Windham.

Lieutenants.

Robert Gandey
Roger Hiddon
Samuel Kevison
Robert Davis
Thomas Ferrors
Robert Hamlon
William Gamblin
William Ros
James Carwardine
Thomas Andrewes
Thomas Draper
Robert Davyes.

Enſignes.

Thomas Kingſtone
Silvanus Keyghtley
William Codrington
Mich. Doughty
Humfrey Cornwall
Richard Naupham
George Carew
Thomas Carleton
Hugh Lovelace
Thomas Rookes
Edward Knightly
Thomas Coote.

Preacher, Mr. *Humfry Sloconil.*
Chirurgeon, *Clodius Adney.*
Quarter-maſter, *Robert Juns.*
Provoſt Marſhal, *Richard Read.*

XX.

Jerom Brett, Collonel.
Sr. *Vivian Molineux*, Lieutenant Collonel.
William Gibbs, Sergeant Major.

Captains.

Thomas Brett
Bartholomew Jukes
Stephen Hawkins
George Leake
Thomas Pettus
Henry Huddleſton
John Godfrey
Digory Collins
Humfry Nicholls.

Lieutenants.

John Fiſher
William Simpſon
John Glaſſington
Francis Hooke
Robert Benbricke
John Palmer
John Clifton
Daniel Robinſon
Nicholas Barnet
Nicholas Browne
Thomas Mollineaux
Giles Baskervill.

Enſignes.

Ambroſe Jenings
Poole Turvill
Norrice Jepſon
Thomas Hunt
Iſaac Shawbury
Francis Bret
Thomas Birke
Francis Cobb
John Hunt
Roger Bendiſh
William Draper.

Preacher, *John Weld.*

Chirurgeon.

Quarter-maſter, *Will. Bellamy.*
Provoſt Marſhal, *John Vittell.*

XXI.

Francis Hamond, Collonel.
Robert Hamond, Lieutenant Col.
Iohn Gifford, Sergeant Major.

Captains.

Mathew Gray
Edward Hamond
Iohn Bayley
Arthur Roberts
Iames Ogle
Robert Aſcough
Ieremy Manwood
Benjamin Eldred
Henry Mathewes.

Lieutenants.

Roger Burges
Thomas Conisby
Nicholas Deane
Iohn Worſop
Daniel Goldſmith
Francis Whitney
Robert Scott
George Warſon
Edward Tyerer
William Fiſher
Chriſtopher Crowe
Mathew Plowman

Enſignes.

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Enſignes.
Iames Tooke
Richard Travers
Walton
Edward Gray
Thomas Swinford
Henry Blundell
Ralph Murrian
Thomas Walkington
Iohn Philpot
Henry Echlyn
Plomer
Iohn Fitz Iames.
Paracher, *Henry Pike.*
Chirurgeon.
Quarter-maſter, *Ferdinando Gray.*
Provoſt Marſhal, *Nicholas Knot.*

XXII.

Richard Feilding, Collonel.
Francis Tirwhit, Lieuten. Coll.
Anthony Thelwall, Sergeant Maj.
Captains.
Francis Tirringham
Iohn Talbot
Thomas Collins
Toby Bowes
Edward Tirwhit
William Rolſon
Robert Appleton
Iohn Fox
Robert Barker.
Lieutenants.
Richard Oxenden
Denny Purvey
George Oakes
Salathiel Baxter
Thomas Hill
Iohn Windſeild
Iohn Errington
Edward Vincent
George Foord
Iohn Cratroft
Iohn Sutton.
Enſignes.
Francis Rogers
Henry Garſeild
Richard Francis
Edward Bray
Henry Hatcher
Iohn Tirwhit
Foulke Woodroffe
Edward Diſney
Charles Perſall
Robert Ruſton
Coſworth.
Preacher, *william Beare.*
Chirurgeon.
Quarter-maſter, *Walter Harcourt.*
Provoſt Marſhal, *Chriſtopher Woodman.*

WHITE-HAL, Auguſt 31. 1640.

Aug. 31. Writs to be iſſued to require the Lords Spiritual and Temporal to attend his Majeſty in the *North*, according to ſeveral Tenures.

'WHereas his Majeſties Attorney General did this day preſent two Draughts of Writs, to be directed according to former preſidents, unto all the Lords Spiritual and Temporal of this Kingdom of *England*, whereby to require them to attend his Majeſty and to perform the ſervices due for their ſeveral Tenures in this preſent Expedition againſt the *Scottiſh* Rebels in the North, or otherwiſe to Componnd with the Lord Treaſurer, the Under-Treaſurer, and Barons of his Majeſties *Exchequer* for the ſame: Their Lordſhips having heard the ſame read, and duly conſidered thereof, did think fit and order, that ſuch Writs ſhould be iſſued with all convenient expedition, unto all the ſaid Lords, as well Spiritual as Temporal; and that the Lord Keeper of the Great Seal of *England*, ſhould be hereby prayed to give order for the diſpatch of the ſame according to the ſaid Draughts, which were as followeth:

CAROLUS

16 Caroli.

The Kings Writ to the Arch-Biſhop of *Canterbury*, to appear well arrayed to oppoſe the *Scots*.

'CAROLUS *Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ* 'Rex, *Fidei Defenſor*, &c. *Reverendiſſimo in Chriſto Patri Wil-* 'lielmo eadem gratia Cantuarienſi Archiepiſcopo, totius Angliæ Primati '& Metropolitano, ſalutem. Sciatis quod cum quidam Rebelles regni 'noſtri Scotiæ regnum Angliæ cum Poſſe non modico hoſtiliter ingreſſi fu- 'erint, Nos hujuſmodi Rebellioni (gratia nobis favente divina) re- 'ſiſtere, eamque pro ſalvatione & defenſione noſtri ac regni Angliæ præ- 'dicti, & Ligeorum noſtrorum ejuſdem reprimere volentes, apud Villam 'noſtram Novi Caſtri ſuper Tinam viceſimo die Septembris proxime fu- 'turum aut citius cum exercitu noſtro ac toto ſervitio nobis debito eſſe 'proponimus: Vobis Mandamus in fide & dilectione quibus nobis tene- 'mini firmiter innitentes, quod habeatis totum ſervitium quod nobis de- 'betis cum omni feſtinatione qua poteritis, & ad ultimum dicto viceſimo 'die Septembris apud prædictam Villam Novi Caſtri ſuper Tinam, aut 'alibi ubicunque nos cum exercitu noſtro adtunc fuerimus, ad profi- 'ciſcendum exinde nobiſcum contra Rebelles ſupradictos, vel citra dictum 'viceſimum diem Septembris ad Scaccarium noſtrum accedatis finem ibi- 'dem nobiſcum facturi pro veſtro ſervitio ante dicto. Damus autem 'Theſaurario, Subtheſaurario & Baronibus noſtris de dicto Scaccario in 'Mandatis ut à vobis inde finem capiant moderatum. Teſte, &c. Conſi- 'milia brevia dirigenda cæteris Epiſcopis Angliæ.

The like Writ to other Noble Men.

'CAROLUS *Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex,* 'fidei Defenſor, &c. *Clariſſimo Conſanguineo ſuo* A. B. *Comit. Sa-* 'lutem. Sciatis quod cum quidam Rebelles regni noſtri Scotiæ regnum no- 'ſtrum Angliæ cum Poſſe non modico hoſtiliter ingreſſi fuerint, Nos hu- 'juſmodi Rebellioni (gratia nobis favente divina) reſiſtere eamque pro 'ſalvatione & defenſione noſtri ac regni noſtri Angliæ prædicti & Ligeo- 'rum noſtrorum ejuſdem reprimere volentes, apud villam noſtram Novi 'Caſtri ſuper Tinam viceſimo die Septembris proxime futurum, aut 'citius cum exercitu noſtro ac toto ſervitio nobis debito eſſe proponimus: 'Vobis mandamus in fide & homagio quibus nobis tenemini firmiter in- 'nitentes, quod habeatis totum ſervitium quod nobis debetis cum omni fe- 'ſtinatione qua poteritis, & ad ultimum dicto viceſimo die Septembris 'apud prædictam villam Novi Caſtri ſuper Tinam aut alibi ubicumque 'nos cum exercitu noſtro adtunc fuerimus, ad proficiſcend. exinde No- 'biſcum contra Rebelles ſupra dictos, vel citra dictum viceſimum diem 'Septembris ad Scaccarium noſtrum accedatis finem ibidem Nobiſcum fa- 'cturi pro veſtro ſervitio ante dicto. Damus autem Theſaurario, Subthe- 'ſaurario, & Baronibus noſtris de dicto Scaccario in Mandatis, ut à vobis 'inde finem capiant moderatum. Teſte, &c.

Conſimilia brevia dirigenda cæteris Comitibus & Baronibus Angliæ.

Auguſt 31. 1640. Order of the Council for the Earl of *Craford*, to liſt 100. Reformado *Scottiſh* Officers.

'WHereas the Earl of *Crawford* hath received his Majeſties 'Command, to repair unto his Majeſty in the North, with 'one hundred perſons all Officers of War, and of the *Scottiſh* 'Nation, who are by him to be conducted in one Body, and to be 'imployed for his Majeſties ſervice, according as his Majeſty ſhall 'there pleaſe to direct; Theſe are therefore to Will and Command 'in the firſt place, all and every of the ſaid *Scottiſh* Officers, that 'they

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'they be obedient unto the ſaid Earl, in their Journey, and not to 'ſtray or diſperſe themſelves, nor yet to be abſent from him, with-'out his ſpecial Licence or Command. And in the next place, to 'Will and Command all Sheriffs, Mayors, Juſtices of the Peace, 'Conſtables, and all other his Majeſties Officers and Loving Sub-'jects, to ſuffer the ſaid Earl, and *Scottiſh* Officers, quietly to paſs, 'and to be accommodated with Lodging and ſuch Conveniencies, as 'are uſual in like occaſions, and to treat and reſpect them as his 'Majeſties Loving and Faithful Subjects. Alwayes provided, that 'they pay their expences, and carry themſelves civilly in their 'Journey according as in duty they are bound to do. And hereof 'neither you nor they may fail. Dated at *White-hall* the laſt of '*Auguſt* 1640. Signed by

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Earl Marſhall.
Earl of Berks.
Lord Cottington.
Lord Newburgh.
Mr. Secretary Windebanke.

A Commiſſion of Lieutenancy to the Lord Mayor of *London.*

A *Commiſſion of Lieutenancy for the City of* London, *directed to Sir* Henry Garaway, *Knight, Lord Mayor of the ſaid City, and others.* Teſte apud Weſtmin. ſecundo die Septembris, Anno Regis *Caroli* ſexto decimo.

J. F. C. S.

Willys.

A Commiſſion of Array to *Thomas* Earl of *Strafford.*

A *Commiſſion of Array for the County of* York, *directed to* Thomas *Earl of* Strafford *and others.* Teſte apud Weſtm. xxxi. die Auguſti Anno Regis *Caroli* ſexto decimo.

Per dom. Cuſtod. magni Sigilli Angl. virtute Warrant. Reg.

J. F. C. S.

Willys.

Septemb. 3. 1640. *Biſhoprick* Gentlemen ſummoned to come to General *Leſley* at *Newcaſtle.*

ON *Thurſday* the third of *September*, there came a Warrant in nature of a Summons to Sr. *William Bellaſis*, Knight, Sheriff of the County Palatine of *Durham*, and to Sr. *William Lambton* Knight, a Gentleman of Quality in that County, Signed by *Montroſs*, *Rotheſs*, *Lindſey* and others; theſe two Knights and their Eſtates being in the Power of the *Scots*, and having Licence from the King, went

went to General *Leſley*: the thing propoſed unto them, was how to get Proviſion for the *Scots* Army in that County upon payment of Money in Part, and Security for the reſt. 16 *Caroli.*

ON *Friday* morning the fourth of *September* came a Petition to the King from the Commiſſioners of the late Parliament in *Scotland*, incloſed in a Letter to the Lord *Lannerick*, at which time the Kings Army were all retreated into *Yorkſhire*, and ſome of them quartered about *York*. The Petition followeth.

To the Kings Moſt Excellent MAJESTY.

The humble Petition of your Commiſſioners of the late Parliament, and others of his Majeſties moſt Loyal Subjects of the Kingdom of SCOTLAND.

Humbly ſheweth,

Septemb. 4. The Petition of the *Scotch* Commiſſioners of the late Parliament.

'THat whereas through many ſufferings, in this time paſt, *Extream* neceſſity hath conſtrained us, for our reliefs, and obtaining our humble and juſt deſires, to come unto *England*; where according to our Intentions formerly delivered, we have in all our Convoy, lived upon our own Means, Victuals and Goods brought along with us; and neither troubling the Peace of the Kingdom of *England*, nor hurting any of your Majeſties Subjects of whatſoever quality in their Perſons or Goods, having carried our ſelves in a moſt peaceable manner, till we were preſſed by ſtrength of Arms to put ſuch forces out of the way, as did without our deſervings, and (as ſome of them at their point of death have confeſſed) againſt their own Conſciences oppoſed our peaceable paſſage at *Newburne* upon *Tine*; and have brought their own blood upon their own heads againſt our purpoſes and deſires, expreſſed by Letters ſent to them at *Newcaſtle*. For preventing of the like, or greater Inconveniencies, and that without further oppoſition we may come to your Majeſties preſence, for obtaining from your Majeſties Juſtice and Goodneſs, full ſatisfaction to our juſt demands, we your Majeſties moſt humble and Loyal Subjects, do perſiſt in that moſt humble and ſubmiſſive way of petitioning, which we have kept from the beginning, and from the which, no provocation of your Majeſties Enemies and ours, no Adverſity we have hitherto ſuſtained, no proſperous ſucceſs that can befall us, ſhall be able to divert our minds; moſt humbly entreating, that your Majeſty would in the depth of your Royal Wiſdom conſider at leaſt our preſſing Grievances, and provide for the repair of our wrongs and loſſes, and with the Advice of the States of the Kingdom of *England* Convented by Parliament, ſettle a firm and durable Peace againſt all Invaſions by Sea and Land.

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'That we may with Cheerfulneſs of heart pay unto your Majeſty, 'as our Native King, all duty and obedience, that can be expected 'from Loyal Subjects; and that againſt the many and great Evils 'which at this time threaten both Kingdoms, whereat all your Ma-'jeſties good Loyal and Loving Subjects tremble to think, and which 'we unanimouſly beſeech God Almighty to Avert; that your Maje-'ſties Throne may be eſtabliſhed in the midſt of us in Religion and 'Righteouſneſs.

And your Majeſties Anſwer we humbly deſire and earneſtly wait for.

At the Court at York, Sept. 5. 1640.

His Majeſties Anſwer thereunto.

'His Majeſty hath ſeen and conſidered this within written Peti-'tion, and is graciouſly pleaſed to return this Anſwer by me, 'That he finds it in ſuch General Terms, that till you expreſs the 'particulars of your deſires, his Majeſty can give no direct Anſwer 'thereunto: wherefore his Majeſty requireth, that you would ſet 'down the particulars of your Demands with expedition; he having 'been alwayes ready to redreſs the Grievances of his people. And 'for the more mature deliberation of the weighty Affairs, his Majeſty 'hath already given out Summons for the meeting of the Peers of 'this Kingdom in the City of *York*, the twenty fourth day of this 'Month, that with the Advice of the Peers, you may receive ſuch 'Anſwer to your Petition, as ſhall moſt tend to his honour, and 'the peace and welfare of his Dominions. And in the mean time 'if Peace be that you ſo much deſire, as you pretend; he expects, 'and by this his Majeſty commands, that you advance no further with 'your Army into theſe parts, which is the only means that is left 'for the preſent to preſerve Peace between the Two Nations, and 'to bring theſe unhappy differences into a Reformation; which 'none is more deſirous of than his moſt Sacred Majeſty.

Lanericke.

At White-Hall, Sept. 6. 1640.

Touching a Commiſſion to the Lords of the Council, for ordering Affairs in the Kings abſence.

'It was this day ordered that his Majeſties Attorney General be 'hereby required to prepare a Commiſſion to be directed to the 'Lord Arch-biſhop of *Canterbury*, Lord Keeper, Lord Treaſurer, 'Lord Privy Seal, Earl Marſhal, Lord High Admiral of *England*, 'Earl of *Dorſet*, Earl of *Salisbury*, Earl of *Bridgewater*, Earl of *Danby*, 'Earl of *Berkſhire*, Earl of *Newcaſtle*, Earl of *Cork*, Lord Viſcount '*Wilmot*, Lord *Cottington*, Lord *Newburgh*, Mr. Comptroller, Mr. Se-'cretary *Windebanke*, Sir *Thomas Rowe*, Lord Chief Juſtice *Littleton*; 'and to all and every other the Lords and others of the Privy Coun-'cil,

16 *Caroli.*

'cil, who ſhall not attend his Majeſty in the Northern part, autho-'riſing them or any ſix or more of them, (whereof the Lord Arch-'biſhop of *Canterbury*, the Lord Keeper, Lord Treaſurer, Lord Privy 'Seal, the Earl Marſhal of *England*, or Mr. Secretary *Windebanke* to 'be one) by all good wayes and means in his Majeſties abſence to 'provide for the peace and ſafety of his Majeſties Kingdom and peo-'ple, in the ſame manner and form as it was drawn up (*mutatis mu-'tandis*) at his Majeſties going into the North, *Anno* 1639. And 'with like power to them to hear and order all Complaints and mat-'ters touching the Levies of the Moneys and other occaſions in the 'Shipping buſineſs as was granted by the former Commiſſion.

Sept. 6. 1640. Ships deſigned for *Newcaſtle* with Victuals, and not ſent, ordered to go to *Hull*.

'WHereas by an Order of the Board of the 26th of *Auguſt* laſt, 'the Officers of the Navy were required to haſten away 'twelve ſhips appointed to tranſport Victuals from *London* to lye 'without the Bar at *Tinmouth*, For as much as the Town of *New-'caſtle* is now poſſeſſed by the *Scottiſh* Rebels, It was this day or-'dered, That ſo many of the ſaid ſhips as are yet not ſent, ſhall now 'go for *Hull*, and ride thereabout in ſome ſafe and ſecure place, till 'ſuch time as the Lord Lieutenant General of his Majeſties Army 'ſhall be advertiſed of their arrival there and give order for the 'diſpoſing of the ſaid Victuals.

A Copy of the King's Writ, Dated *Sept.* 7. 1640. ſent to all the Peers to meet as a great Council at *York* the 24th of *September*, 1640.

REX. Reverendiſſimo in Chriſto Patri ac fideli conſiliario noſtro Willielmo eadem gratia Cantuar. Archiepiſcopo, totius Angliæ primati & Metropolitano ſalutem. Quia ſuper quibuſdam arduis & urgentiſſimis negotiis nos & Regni noſtri ſtatum Coronæque noſtræ Jura ſpecialiter concernentibus vobiſcum & cum aliis Prælatis, Magnatibus & Proceribus ipſius Regni apud civitatem noſtram Ebor. die Jovis, 24 die inſtantis menſis Septembris Colloquium habere volumus & Tractatum, Vobis in fide & dilectione quibus nobis tenemini firmiter injungimus & mandamus, Quod ceſſante Excuſatione quacunq; dictis die & loco perſonaliter interſitis nobiſcum & cum Prælatis Magnatibus & Proceribus prædictis ſuper dict. negotiis tractaturi veſtrumque conſilium impenſuri, & hoc ſicut nos & honorem noſtrum ac tranquillitatem regni noſtri Jurium q; noſtrorum prædict. diligitis, nullatenus omittatis. Teſte &c. 7 Sept.

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Sept. 8. 1640. The *Scots* Letter at *Newcaſtle* to the Earl of *Lanneric*k.

Right Honourable,

AS nothing on earth is more deſired of us than his Majeſties favour, ſo nothing doth delight us more than that his Majeſty beginneth again to hearken unto our humble deſires, wherein we truſt nothing ſhall be found, but what may ſerve to his Majeſties honour, and for the peace of his Dominions. The particulars we would have expreſſed, but that they are contained in the Concluſion of the laſt Parliament, and the printed Declarations which were ſent to your Lordſhip. But in caſe the papers be not by your Lordſhip, we now ſummarily repeat them.

1. *That his Majeſty would be graciouſly pleaſed to command that the laſt Acts of Parliament may be publiſhed in his Highneſs Name as our Soveraign Lord with the Eſtates of Parliament convened by his Majeſties Authority.*

2. *That the Caſtles of* Edenburgh *and other ſtrengths of the Kingdom of* Scotland *may according to the firſt foundation be furniſhed and uſed for our defence and ſecurity.*

3. *That our Countreymen in his Majeſties Dominions of* England *and* Ireland *may be freed from cenſure for ſubſcribing the Covenant, and be no more preſſed with Oaths and Subſcriptions unwarrantable by your Laws and contrary to their National Oath and Covenant approved by his Majeſty.*

4. *That the common Incendiaries which have been the Authors of this Combuſtion may receive their juſt Cenſure.*

5. *That all our ſhips and goods with all the Damage thereof may be reſtored.*

6. *That the Wrongs, Loſſes and Charges which all this time we have ſuſtained may be repaired.*

7. *That the Declarations made againſt us as Traitors may be recalled in the end by the Advice and Counſel of the State of* England *Convened in Parliament, his Majeſty may be pleaſed to remove the Garriſons from the Borders, and any Impediments which may ſtop free Trade, and with their Advice to condeſcend to all particulars that may eſtabliſh a ſtable and well-grounded Peace for the enjoying of our Religion and Liberties againſt all Force and Moleſtation, and undoing from year to year, or as our Adverſaries ſhall take the advantage.*

This Royal Teſtimony of his Majeſties Goodneſs we would eſteem to be doubled upon us, were it ſpeedily beſtowed, and therefore muſt crave leave to that his Majeſties pleaſure concerning the of the Peers the 24th of this inſtant will make the time long *ere the Parliament be Convened, which is conceived the only means of ſetling both Nations in a firm Peace, and which we deſire may be ſeriouſly repreſented unto his Majeſties Royal thoughts; the more the time is abridged, the more able we to obey his Majeſties prohibition of our advancing with our Army;*

16 Caroli.

Army; our Actions, and whole Comportment since the beginning of these Commotions, and especially of late since our coming into *England, are real declarations of our Love and desire of peace, nothing but invincible necessity hath brought us from our Countrey to this place, no other thing shall draw us beyond the Limits appointed by his Majesty, which we trust his Majesty will consider of, and wherein we* hope your Lordship *will labour to be a profitable Instrument for the Kings Honour, the good of the Countrey, and of*

Your Lordships humble Servants.

Scots Leaguer at *Newcastle, Sept.* 8. 1640.

Subscribed by

Rothes.
Montross.
Cassilles.
Dumferling.
Lothean.
Lindsey.
Sir *David Homes.*
Sir *George Key.*
Sir *Tho. Hope.*
Sir *Will. Doughlas.*
Mr. *Alexander Gibson.*
Dury.
Jo. Smith.
Geo. Potterfield.
Hen. Kenedy.
Jo. Rutherfound.
Welderbourne.

Right Honourable,

Sept. 9. The *Scots* Letter from *Newcastle* to the Lord Mayor and Aldermen of *London.*

WHat care and pains have been taken by us these years past to settle our grievances at home, and what heavy complaints have been made heretofore to all our dear Brethren in England, that the ground of our evils and sufferings is from the abused power of this Kingdom in the hands of wicked Councellors, what necessity hath been laid upon us of late to enter into England with our lives in our hands, to Petition his Majesty, the manifold Declarations and Informations that have been published for that end bear us witness, and that our appearing in Armes is not to wrong any, but to guard our selves against all unjust persons that may hinder us from obtaining our humble and just desires from our Gracious Soveraign; and therefore as it was the end of our Journey not to make us Enemies but kind Friends, so we profess and declare to your Lordship, and the Aldermen your Brethren, that our abode at Newcastle, a Town of great importance for our security until our Petition be heard and granted, is not to make any stop of Trade in that River, since the free traffick of Coles is so necessary for the City of London, and other places of England; but on the contrary, our purpose is to use the best means we can to continue that Trade: and for this effect at our coming to Newcastle, hearing that many Masters of ships possessed with needless fears were hastning out of the River empty, we sent two Noblemen of our number to make this Declaration unto them, whereby many of them rested satisfied, and stayed to Load; and hereby we do renew our former assurance, as the finallest testimony of greatest respect, and good will to the City of London, of whose affection to the peace of these two Kingdoms, wherein they have greatest share and interest, we are fully informed,

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med, and to whom we desire not to be found wanting in any act of friendship and thankfulness that may flow from us to the utmost of our power. Signed,

Your Lordship's and the Aldermen your Brethren's respectful friends,

Rothes. *Montross.*
Alex. Lesley. *Lowden.*
Almont. *Lindsey.*
Lothian. *Cassels.*

A Letter Directed to the Lord High Treasurer of *England.*

Sept. 9. 1640. Transportation of Victuals beyond Sea, or from Port to Port (but only to *Hull*) inhibited.

HIS Majesty out of his Royal care for the preservation of his Army, having been graciously pleased to command that the same be furnished with all manner of provision of Victual that the County of York, *and the adjacent Counties can afford; and fearing that the proportion of Victuals in those parts should not be sufficient, hath commanded likewise to have supply sent from hence, and that the transportation of Corn, Butter, Cheese, and all other Victuals out of the Realm, or from Port to Port, within the Kingdom should be strictly inhibited; We have therefore thought good hereby to pray and require your Lordship forthwith to give effectual order that no Corn, Butter, Cheese, nor any other Victual be transported into the parts beyond the Seas, nor from Port to Port, but sent to* Hull, *where the Owners shall receive just and due payment in ready money for the same, and be secured that neither themselves nor their goods shall suffer the least prejudice or molestation, but by all means of good usage be encouraged to make continual repair thither. Hereof your Lordship may not fail, And so* &c. *Dated* Septemb. 9. 1640. *Signed by the*

Lord Arch-Bishop of *Canterbury*, &c.

To the King's Most Excellent MAJESTY,

The humble Petition of your Majesties most Loyal and Obedient Subjects, whose names are here under-written, in behalf of themselves and divers others.

The Petition of the Earl of *Essex*, *Hertford*, *&c.* to the King to call a Parliament.

Most Gracious Soveraign,

'THE sense of that Duty and Service which we owe unto your Sacred Majesty, and our earnest Affection to the good and welfare of this your Realm of *England*, have moved us in all humility 'to beseech your Royal Majesty, to give us leave to offer unto your 'most Princely Wisdom, the Apprehension which we and other

'your

16 *Caroli*

'your faithful Subjects have conceived of the great diſtempers and 'dangers now threatning the Church, and State of your Royal Per-'ſon, and the fitteſt means by which they may be prevented.

'The Evils and Dangers whereof your Majeſty may be pleaſed 'to take notice are theſe;

'1. That your Sacred Majeſty is expoſed to hazard and danger 'in the preſent Expedition againſt the *Scotiſh* Armie, and by the 'occaſion of the War, your Revenue is much waſted, your Subjects 'burthened with Coat and Conduct Money, Billeting of Souldiers, 'and other Military Charges, and divers Rapines and diſorders com-'mitted in ſeveral parts in this your Realm, by the Souldiers raiſed 'for that Service, and your whole Kingdom become full of fear and 'diſcontent.

'2. The ſundry Innovations in matters of Religion, the Oath 'and Canons lately Impoſed upon the Clergy, and other your Ma-'jeſties Subjects.

'3. The great Encreaſe of Popery, and Imploying of Popiſh Re-'cuſants, and others ill-affected to the Religion by Law eſtabliſhed 'in places of power and truſt, and eſpecially commanding of Men 'and Armes both in the Field and other Counties in this Realm, 'whereas by the Laws they are not permitted to have Armes in their 'own houſes.

'4. The great miſchief which may fall upon this Kingdom, if the 'Intentions which have been credibly reported, of bringing in of '*Iriſh* forces, ſhall take effect.

'5. The urging of Ship-money, and proſecution of ſome She-'riffs in the *Star-chamber* for not Levying of it.

'6. The heavy charges of Merchandiſe to the diſcouragement of 'Trade, the multitude of Monopolies, and other Patentees, whereby 'the Commodities and Manufactures of the Kingdom are much bur-'thened, to the great and univerſal Grievance of your people.

'7. The great grief of your Subjects by the Intermiſſion of Par-'liaments, in the late former diſſolving of ſuch as have been Called, 'with the hoped Effects which otherwiſe they might have pro-'cured.

'For a remedy whereof and prevention of the danger that may 'enſue to your Royal perſon, and to the whole State, we do in all 'humility and faithfulneſs beſeech your moſt Excellent Majeſty 'that you would be pleaſed to ſummon a Parliament within ſome 'ſhort and convenient time, whereby the cauſe of theſe, and other 'great Grievances, which your poor Petitioners now lye under, may 'be taken away, and the Authours and Councellours of them, may 'be there brought to ſuch Legal Tryal, and condign puniſhment, as 'the nature of the offence does require, and that the preſent War 'may

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'may be compoſed by your Majeſties wiſdom without Bloodſhed, in 'ſuch manner as may conduce to the honour and ſafety of your Maje-'ſties perſon, and content of your people, and continuance of both of 'your Kingdoms againſt the common Enemy of the Reformed Reli-'gion.

Francis Bedford.
Ro. Eſſex.
William Hartford.
Warwick.
Earl of *Briſtol.*
Mulgrave.
Say and *Seal.*
Ed. Howard.
Bullingbrook.
Mandevile.
Brook.
Pagettt.

The Privy Council being informed that the City of *London* was about to Petition his Majeſty to call a Parliament, wrote a Letter to the Lord Mayor and Aldermen of the City of *London*, as followeth.

Sept. 11. 1640. To ſtop the *Londoners* Petition to his Majeſty.

WHereas we have ſeen the Copy of a Petition pretended to be preſented to his Majeſty in the name of the Citizens of London, *to which many hands as we underſtand are endeavoured to be gotten in the ſeveral Wards concerning divers grievances; Out of the care which we have for your good, and the duty which we owe to his Majeſty, being the repreſentative Body of his Authority, and to whom he hath particularly recommended the care and quiet of theſe parts in his abſence: we have thought fit to ſignifie unto your Lordſhip, and the reſt, the ſence and apprehenſion we have of the ſaid Petition, and of the time, and of the manner of contriving the ſame. And we cannot but hold it very dangerous and ſtrange to have a Petition framed in the name of the Citizens, and endeavoured to be ſigned in a way not Warranted by the Charters and Cuſtomes of the City, ſetting forth of Grievances which they cannot but know, that his Majeſty of his abundant grace and goodneſs to his people will preſently take into his Conſideration, and give thereunto all juſt redreſs; Concluding the Petition with a demand which they be moſt certain will come from his Majeſties own grace and goodneſs, from which only it can proceed with comfort and ſucceſs. And all this in a time, when his Majeſty is in his own perſon ingaged in an Army for the defence of this City, and the whole Kingdom, againſt the Rebels who have invaded this Kingdom with ſo great an Army, and have ſo far advanced to the danger of the Kingdom, and diſhonour of the Nation, eſpecially his Majeſty having ſo particularly at his parting hence recommended the care and ſafety of the Queen his dearеſt Conſorts perſon and the Prince, and his Royal Children to your Lordſhip and the Aldermen, and the ancient and approved Loyalty and fidelity of this City of* London *honoured from all Antiquity with the Title of his Majeſties own Chamber. We have therefore thought fit hereby to pray and require your Lordſhip and the reſt to take a courſe by all good and lawful wayes to ſtop the proceedings of this intended Petition, wherein we doubt not but you ſhall have the concurrence of the moſt able and beſt affected Citizens, for the avoiding of the great diſturbance, which it may bring to*

the

the Kings affairs (thus ingaged as he is) and the juſt cenſure which may lye upon this City, in future times; And ſo &c. *Dated* Sept. 16. 1640. *Signed by the*

16 *Caroli.*

Lord Arch-Biſhop of Canterbury, &c.

NOtwithſtanding this Order of the Lords of the Council, the City of *London* (having been grievouſly Burthened with Projects and Monopolies) did proceed to perfect their ſaid Petition, and ſent ſome of the Court of Aldermen and Common Council to preſent it to the King at *York*, which Petition followeth.

To the King's Moſt Excellent MAJESTY.

The humble Petition of your Majeſties Subjects the Citizens of LONDON.

Moſt Gracious Soveraign,

A Petition of the *Londoners* to the King to call a Parliament.

'BEing moved with the duty and obedience which by the Laws 'your Petitioners owe unto your Sacred Majeſty, they humbly 'preſent unto your Princely and pious wiſdom, the ſeveral preſſing 'grievances following; *viz.*

'1. The preſſing and unuſual Impoſitions upon Merchandize, Im- 'porting, and Exporting, and the urging and Levying of Ship-money 'notwithſtanding both which, Merchants Ships and Goods have been 'taken and deſtroyed both by Turkiſh and other Pirates.

'2. The multitude of Monopolies, Patents, and Warrants where- 'by Trade in the City and other parts of the Kingdom is much de- 'cayed.

'3. The ſundry Innovations in matter of Religion.

'4. The Oath and Canons lately enjoyned by the late Convoca- 'tion whereby your Petitioners are in danger to be deprived of their 'Miniſters.

'5. The great concourſe of Papiſts, and their Inhabitations in '*London*, and the Suburbs, whereby they have more means and op- 'portunity of Plotting and Executing their deſignes againſt the Re- 'ligion eſtabliſhed.

'6. The ſeldom Calling, and ſuddain diſſolutions of Parliaments, 'without the redreſs of your Subjects Grievances.

'7. The Impriſonment of divers Citizens for non-payment of Ship-

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'money, and Impoſitions, and the proſecution of many others in 'the *Star-Chamber*, for not conforming themſelves to Committees in 'Patents of Monopolies, whereby Trade is reſtrained.

'8. The great danger your Sacred perſon is expoſed unto in the 'preſent War, and the various fears that ſeized upon your Petitio-'ners, and their Families by reaſon thereof, which grievances and 'fears have occaſioned ſo great a ſtop and diſtraction in Trade, that 'your Petitioners can neither Buy, Sell, receive, or pay as formerly, 'and tends to the utter Ruine of the Inhabitants of the City, the de-'cay of Navigation, and Cloathing, and the Manufactures of this 'Kingdom.

'Your humble Petitioners conceiving that the ſaid Grievances are 'contrary to the Laws of this Kingdom, and finding by Expe-'rience that they are not redreſt by the ordinary Courſe of Ju-'ſtice, do therefore moſt humbly beſeech your moſt Sacred Ma-'jeſty to cauſe a Parliament to be Summoned with all conve-'nient ſpeed, whereby they may be relieved in the premiſes.

'And your Petitioners and Loyal Subjects ſhall ever 'pray, *&c.*

ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ.

Upon his Majeſties *Calling this laſt Parliament.*

* Meaning the Parliament which met at *Weſtminſter*, *Nov.* 3. 1640.

'THis laſt * Parliament I called, not more by others advice, and 'neceſſity of my Affairs, than by my own Choice and Inclinati-'on, who have alwayes thought the Right way of Parliaments 'moſt ſafe for my Crown, as beſt pleaſing to my People. And al-'though I was not forgetful of thoſe ſparks which ſome mens Di-'ſtempers formerly ſtudied to kindle in Parliaments (which by 'forbearing to Convene for ſome years, I hoped to have extinguiſhed) 'Yet Reſolving with my ſelf to give all juſt ſatisfaction to modeſt 'and ſober deſires, and to redreſs all publick grievances in Church 'and State, I hoped by my freedom and their moderation to prevent 'all miſunderſtandings, and miſcarriages in this. In which as I 'feared affairs would meet with ſome Paſſion and Prejudice in other 'men, ſo I reſolved they ſhould find leaſt of them in my ſelf, not 'doubting but by the weight of reaſon I ſhould counterpoize the 'over-ballancing of any Factions, *&c.*

Sept. 10. The King's Propoſal to the Gentry of *Yorkſhire.*

THE King called the *Yorkſhire* Gentry together, and pro-pounded unto them the Payment of the Trained Bands for two months, which Propoſition they took into preſent Conſideration, be-ing alſo much ſatisfied that his Majeſty had Summoned a Great Council of his Peers to meet at *York*.

And on the 11th of *September* returned Anſwer, the ſubſtance whereof was to this effect.

That

16 *Caroli.*

The Anſwer of the Gentry of *Yorkſhire.*

THat the Petitioners have conſulted together concerning the Payment of the Trained Bands for two months, and have agreed upon doing the ſame, to which purpoſe they will uſe their utmoſt endeavours, humbly beſeeching his Majeſty to conſider out of his Royal Wiſdom how to compoſe the differences with the *Scots*, that the Countrey may enjoy peace again, and not run more and more into Danger, and do moſt humbly beſeech his Majeſty to think of Summoning a Parliament, the only way to confirm a peace betwixt both Kingdoms.

Which anſwer they deſired the Earl of *Strafford* to preſent to his Majeſty which he inclined to do, leaving out thoſe words in the Petition of Advice to the King to call a Parliament, for that he knew it was the King's full purpoſe to do; but the *Yorkſhire* Gentlemens Hearts, and the Voice of the Kingdom being fervent for a Parliament, were unwilling to leave out thoſe words of Summoning a Parliament, therefore they delivered their anſwer themſelves, and which was well taken by his Majeſty.

A Letter to the Earl of *Bedford* and to the Lord *Ruſſel*, &c. his Majeſties Deputy Lieutenants for the County of *Devon.*

Sept. 11. 1640.

An Anſwer to Letters from their Deputy Lieutenants concerning ſome difficulties about marching, &c.

WE have been made acquainted by our very good Lord the Earl Marſhal of England, *Captain General of all his Majeſties Forces on this ſide* Trent, *with the Letters of your Deputy Lieutenants for that County of* Devon, *of the Second and fourth of this preſent, by you put into his Lordſhips hands, and thereby underſtand two difficulties they conceive they ſhall find in the execution of his Majeſties late Command for the preparing and putting in readineſs the Trained Bands and other Forces of the ſaid County to March and to ſerve in the Common Defence as occaſion ſhall require, and further ſhall be Commanded in this time of Common Danger.*

The Firſt whereof is the diſtraction which is amongſt the Gentry, and others unto which Service perſonally to apply themſelves, whether that Commanded as aforeſaid with the Trained Bands, or elſe that other concerning Eſcuage and Tenures in Knights Service, *both commanded by Proclamation.*

The Second difficulty they apprehend being the way how to furniſh or procure moneys for the Charge of the ſaid Bands and Forces when they ſhall be required to March.. Whereunto ſome direction being deſired from this Board; unto the firſt we anſwer, That it is his Majeſties Pleaſure and Intention that the Service Commanded the Trained Bands and other Forces for the common Defence by his Majeſties Letters and Proclamations is carefully to be performed and executed by every man in his own perſon; But for that attendance on his Majeſty required by the other Proclamation according to the Tenures in Knights Service, &c. *It may and will ſuffice that the ſame be done by Deputy, or elſe that Perſons ſo holding Lands of his Majeſty may give ſatisfaction by way of Compoſition as by the ſame Proclamation is more particularly expreſſed. And for the*

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other difficulty how to provide for the Charge of these Forces, when they shall march; we do understand that not only the Laws and Customes of this Kingdom do require that in a time of actual invasion every man ought to serve in the common Defence at his own Charge, but that the very Law of Nature doth teach and oblige us all thereunto, without sticking or staying upon any such terms or Questions, and that thus it hath been the Custome and Practice within this Kingdom both in ancient and modern times is very manifest, even but when a doubt or fear was had of an Invasion; but whereas this present danger is past all manner of doubt by reason of the actual Invasion of the Scotish *Rebels, with so great an Army, and the same so far advanced that the whole Kingdom may soon be overrun unless by a greater power they be repelled and beaten back. And whereas his Majesties Subjects of the* North *parts of this Kingdom do cheerfully joyn together and serve his Majesty in this great occasion at their own Charge both with Bodies and Fortunes, without trouble to his Majesty or Deputies; we are therefore hereby to pray and require your Lordships, to signifie to your Deputy Lieutenants, what the sence of this Board herein is, that the same may by you and them be infused into others, and that we will not doubt but that his Majesties Subjects of that County will in this occasion shew as much forwardness and zeal for the common safety, wherein we are all so nearly concerned, as is either now in the* North *parts, or hath been practised in any other time of Danger heretofore within this Kingdom, which we do hereby effectually recommend unto your Lordships care. And bid &c.*

A Letter to the Lords Lieutenants of *Surrey*.

Sept. 11. 1640. For restoring of Coat and Conduct money.

WHereas of late by his Majesties special command signified from this Board to your Lordships divers Summs of money have been Levyed upon that County of Surrey *for* Coat *and* Conduct *Money, for the Conveying the number of* 800 *Souldiers then appointed to be raised within that County, to the General Rendezvouz thereof, since which time the said* 800 *Souldiers have by order from us been discharged. These are therefore to pray and require your Lordships to give present and effectual order to the Deputy Lieutenants for the* restoring *the said* Coat *and* Conduct *Money, to those of whom the same was Levyed, as is done in the other Counties of this Kingdom. And so &c. Dated* Septemb. 11. *Signed by*

Lord Arch-Bishop of *Canterbury, &c.*

Sept. 11. 1640. Sheriffs of *London* to dispose of Mrs. *Hussey* in some safe place, who made discovery of an intended rising of the Papists in *England*.

'THeir Lordships being this day credibly informed that Mrs. *Anne Hussey* an *Irish* woman is much threatned by certain *Irish* people 'to be mischieved, and that there have been some *Irish* to enquire after her as is strongly suspected to offer some violence to her, for that 'she hath given an Information and testimony of certain Lewd and 'Traiterous Speeches uttered by one *William O Conner* an *Irish* Priest. 'It was this day ordered by their Lordships, that the Sheriffs of *London* shall be hereby prayed and required forthwith to receive into 'their or one of their Charge the person of the said Mrs. *Hussey*, and 'dispose of her in some such safe place, as she may be free from any 'violence or danger.

At

16 *Caroli.*

At WHITE-HALL, Sept. 11. 1640.

Touching *William O Conner* an *Iriſh* Prieſt.

'UPon an Information of Mrs. *Anne Huſſey* againſt one *William O Conner* an *Iriſh* Prieſt, It was this day ordered by their Lordſhips that *John Herne* Eſq; one of the Juſtices of Peace of the County of *Middleſex* ſhall be hereby prayed and required to examine the ſaid Mrs. *Anne Huſſey* and *William O Conner*, and all ſuch others as upon their Examination he ſhall diſcover to know any thing concerning the matters whereof the ſaid *O Conner* is now accuſed. And hereof the Keeper of the *Gatehouſe* (where the ſaid *O Conner* is now Priſoner) and all others whom it may concern, are to take notice and to conform themſelves accordingly.

Sept. 11. 1640. Defaulters at Muſters.

'A Warrant to *William Wats* Meſſenger, to bring before their Lordſhips, the Lady *Elizabeth Lawrence*, *Samuel Sewſter*, of Great *Ratcliff*, Sr. *Lewis Watſon*, Baronet, *Ch. Parker*, Eſq;, *Heneage Proby* of *Aylton*, *John Glover* of *Water Newton* Eſquires, and Mr. *Riplingham* returned as Delinquents, in not ſhewing their Light-Horſes at the laſt Muſters in the County of *Huntington*, with a Clauſe to diſcharge ſuch of the defaulters as ſhall immediately repair before the Lord Lieutenant of the County aforeſaid, or one of his Deputy Lieutenants, and promiſe Conformity for the future in ſhewing their Horſe at the Muſters, and at ſuch times as they ſhall be thereto required by the Deputy Lieutenants of the ſaid County. Dated *Septemb.* 11. 1640. Signed by

Lord Arch-Biſhop of Canterbury, *&c*

A Warrant directed to the Lord High Treaſurer of England, *and the Lord* Cottington, *under-Treaſurer of the* Exchequer.

Sept. 13. 1640. To iſſue 80 l. for Conduct of *Iriſh* Officers to the Army.

"WHereas Serjeant Major *James Nolan* is to Conduct divers Officers and Souldiers of the *Iriſh* Nation to his Majeſties Army near *York*, for the performance whereof it is thought fit that the ſumm of threeſcore pounds for their Conduct thither be advanced to them, being after 15 dayes pay for himſelf and Company, according to a Liſt of their names, ſigned under his hand, and according to the Eſtabliſhment of Pay for his Majeſties Army, as alſo the ſumm of twenty pounds more by way of advance to Captain *Jo. Berningham*, Captain *Bartholomew* St. *Lawrence*, Captain *Tho. Revel*, and Captain *Maurice Macdonell* for their ſpeedy Conduct to *York* aforeſaid.

"Theſe are therefore to pray and require your Lordſhips to cauſe 60 l. to be paid to the ſaid Serjeant Major *Nolan*, and 20 l. to the ſaid other Captains, by vertue of his Majeſties Privy Seal, dated *May* 22. for iſſuing of 300 l. For which this ſhall be your Lordſhips ſufficient Warrant, Dated *Sept.* 13. Signed by

Lord Arch-Biſhop of Canterbury, *&c.*

By

An. 1640.

Sept. 14. That Enquiry be made after the Rents of Biſhops and Papiſts in the County of *Durham*. *George Grey* and *Anthony Smith* Collectors.

'BY vertue of a Commiſſion from General *Leſley* his Excellency, and the reſt of the Right Honourable Lords, and other of the 'Committee for ordering Buſineſs for the *Scottiſh* Army, directed 'to me *Tobias Knowles* and *William Hamilton* Gentlemen, to enquire 'and find out the Rents, Tythes and Profits belonging to the Biſhops, 'Papiſts, or any other Aſſociates, Enemies to this Army, and to 'take an Inventory of their Rents, Goods and Profits whatſoever, and 'to chuſe able men to aſſiſt us in this buſineſs: We underſtanding 'that Mr. G. G. and Mr. *S. A.* have been employed in buſineſs for the 'Tenants of the Dean and Chapter of *Durham*, and underſtand that 'the ſaid Tenants have Rents in their hands due at St. *Cuthbert*'s day 'laſt, and Rents that will be due at *Martinmas* next, with Tythes and 'many other profits, *&c.* Theſe are therefore by vertue of the ſaid 'Commiſſion, to require and charge you Mr. *G. G.* and Mr. *A S.* 'to enquire and ſearch out all the Rents, Tythes and Profits 'belonging to the Biſhop of *Durham*, the Dean and Chapter, or any 'their Aſſociates or Papiſts, Enemies to this Cauſe and Expedition, 'and to give in their Names, with a Schedule or Inventory of their Goods, Rents and Profits whatſoever: and to warn all the Tenants 'of the aforeſaid Parties, eſpecially the Tenants of the Dean and 'Chapter of *Durham*, for the Rents, Tythes and Profits which are 'due at St. *Cuthbert*'s day laſt, or any other former Debts or Summs 'of money due or become due at *Martinmas* next by the Tenants of '*Weſtoe*, *Harton*, *Fulwell*, *Munckwarmouth*, *Sudwick*, *Mountain Hed-*'*worth*, the two *Hedworths*, and *Southſheilds*, not to pay any Rents to 'the aforeſaid Dean and Chapter, nor to any of their Receivers or 'Officers, but towards the relief and maintenance of the Army, as 'they will anſwer the contrary: And thoſe that ſhall refuſe to pay 'the ſaid Rents, Tythes and Profits as aforeſaid, and to ſet their 'hands thereunto; We require and charge you to return their 'Names in writing, with the places of their abode, that ſuch fur-'ther courſe may be taken with them, as ſhall be thought fit by the 'General. And of this fail not, as you will anſwer the contrary at 'your peril. Dated at *Newcaſtle* the 14th of *September* 1640.

Mr. *William Hamilton.*
Tobias Knowles.

A Minute of Letters of the Tenour following, directed to the Lords Lieutenants of the ſeveral Counties, expreſſed in the Liſt hereafter mentioned.

September 16. 1640. For providing divers ſorts of Munitions and Proviſions for Soldiers raiſed by the Commiſſion of Array, South of *Trent*.

'WHereas as well by his Majeſties late Proclamation of the 'laſt of *Auguſt* laſt, as alſo by a Letter ſent unto you from 'our very good Lord, the Earl Marſhal of *England*, Captain General 'of all his Majeſties Forces on *this ſide Trent*, you may take notice of 'his Majeſties Pleaſure and Command for the Trained Bands, and 'other Forces of that County, to be put in readineſs to march upon '*twenty four hours* warning, or Command to be given for that pur-'poſe from his Majeſties ſaid Captain General. And whereas the

'danger

16 *Caroli.*

'danger is great and eminent to his Majeſty and the whole State by 'the Invaſion of the *Scottiſh Rebels* with a powerful Army, which 'hath already ſo far advanced and prevailed, that unleſs by a ſtron-'ger power, and the unanimous reſiſtance of all his Majeſties Sub-'jects the ſame be repelled and forced back, this whole Kingdom 'may ſoon be over-run. For which reſpects, we find it very need-'ful, that both a good and ſpeedy Accompt be by you returned either 'unto this Board, or unto his Majeſties ſaid Captain General of your 'proceedings therein; as alſo that no directions neceſſary to be given 'by us be wanting unto you for what concerns the common defence; 'We have therefore thought good, hereby to require you, to have in 'readineſs a ſufficient number of able *Pioneers*, good *Carts* furniſhed 'with men and horſes; and likewiſe a ſufficient number of *Spades*, '*Shovells* and *Pick-Axes*, and all other Tools neceſſary for the making 'of Works of defence in theſe perilous times. And further, that you 'take an effectual care, that the *Magazine* of the County be well 'ſtored with Powder, Shot and Match, to the end that every Muſ-'quetteer may have a ſufficient proviſion thereof: And that the 'Beacons in that County be preſently made ready and duely watch-'ed. And if that County be not already ſufficiently furniſhed with 'the aforeſaid Munitions and Proviſions, that then you make all poſ-'ſible ſpeed to procure and provide the ſame. Of all which, and 'how far you have proceeded ſince his Majeſties ſaid Proclamation, 'you are to return a particular Accompt with all expedition, either 'unto this Board, or unto his Majeſties ſaid Captain General, that it 'may be thereby known, what are the Forces of that County, and 'how much of each kind of thoſe Munitions and Proviſions you have 'in readineſs againſt ſuch time as the ſame ſhall be called upon. 'And ſo, *&c.* Dated *September* 16. and Signed

Arch-Biſhop of Canterbury, *&c.*

Counties of

Berks	*Huntington*
Bedford	*Kent*
Buckingham	*Middleſex*
Cambridge	*Northampton*
Cornwall	*Northfolke*
Devon	*Oxon*
Dorſet	*Sommerſet*
Eſſex	*Suffolke*
Glouceſter	*Surrey*
Southampton	*Warwicke*
Hertford	*Wilts.*

Sept. 16. A Letter to the Lord Lieutenant of *Dorſetſhire.*

'AFter our hearty commendation to your good Lordſhip, 'Whereas we underſtand, there have been delayes and diffi-'culties in ſome places, in the execution of his Majeſties late Com-'mand, for putting in readineſs the Trained Bands and other Forces 'of that County, to march and to ſerve in the Common defence in 'this time of publick danger; which delayes have been occaſioned 'through ſome miſapprehenſion concerning the defraying of the 'charge of the Trained men to the place of ſervice when they 'march. We have therefore thought good for the preventing of

'further

An. 1640.

'further delay in matters of this importance, hereby to advertiſe 'your Lordſhip, that not only the Cuſtoms and Laws of this King-'dom do require, that in a time of actual invaſion, every man 'ought to ſerve in the common defence at his own charge; but 'that the very Law of Nature doth teach and oblige us all thereunto, 'without ſticking or ſtaying upon any terms or queſtions. And that 'it hath been the cuſtome and practice within this Kingdom, both 'in antient and modern times, (even but when a doubt or fear was 'had of an invaſion) is very manifeſt. But this preſent danger is 'paſt all manner of doubt, by reaſon of actual invaſion of the *Scot-'tiſh* Rebels with ſo great an Army, and the ſame ſo far advanced, 'that the whole Kingdom may be ſoon over-run, unleſs by a great 'power they be repelled and beaten back. And whereas his Maje-'ſties Subjects of the North parts of this Kingdom do cheerfully 'hold together, and ſerve his Majeſty in this great occaſion at their 'own charge, both with their bodies and fortunes, without trouble 'to his Majeſty, we have therefore thought good, hereby to pray 'and require your Lordſhip, to acquaint the Countrey with the 'ſenſe of this Board in this particular, and that we doubt not, but 'his Majeſties Subjects of that County, will in this occaſion ſhew as 'much forwardneſs and zeal for the common ſafety, wherein we 'are all ſo nearly concerned, as either is ſhewn now in the Northern 'parts, or hath been practiſed in any other time of danger hereto-'fore in this Kingdom; which we do hereby effectually recommend 'to your Lordſhips care, and bid your Lordſhip very heartily 'farewell.

From *White-Hall*, *September* 16. 1640. your Lordſhips very loving friends,

William Cant.
Guil. London.
Arundel *and* Surrey.
Dorſet.
Fra. Cottington.
Fra. Windebanke.
Tho. Rowe.

To our very good Lord, the Lord Lieutenant of the County of *Dorſet*, and in his Lordſhips abſence, to his Deputy Lieutenants.

September 1640. King then at *York*

To the Kings Moſt Excellent MAJESTY.

The humble Petition of Walter Belcanquall *Dean of* Dureſme, *and one of your Majeſties Chaplains.*

Humbly ſheweth,

Dr. *Belcanquall's* Petition.

'THat whereas your Petitioner lyeth under a great ſcandal for 'your Majeſties Large Declaration, your Majeſty would be 'graciouſly pleaſed, to require the Right Honourable the *Engliſh*

'Lords

'Lords Commiſſioners for the *Scottiſh* Treaty, to call before them 'your Petitioner, and to give unto their Lordſhips a faithful and 'true Account of that ſervice. *16 Caroli.*

And as he is bound, your Petitioner ſhall ever pray for your Majeſties long Life and happy Reign.

To the Kings Moſt Excellent MAJESTY.

The humble Petition of the diſtreſſed Inhabitants of the poor County of Northumberland.

September. Inhabitants of *Northumberland* do pay 300 *l.* a day to the *Scots* Army.

'MOſt humbly ſhewing to your moſt Sacred Majeſty what they 'preſented by a former Petition, wherein was humbly offered 'to your Majeſties gracious Conſideration, the great diſtreſs under 'which your Petitioners are by the burden of the *Scottiſh* Army, 'who by plundering ſome, and threatning to plunder others, have 'for ſome fourteen dayes laſt, compelled your Petitioners to ſubmit 'to their unreaſonable and inſupportable exactions of Three Hun-'dred Pound a day, and a great proportion of Hay and Straw; by 'the latter whereof, thoſe Cattle, if any ſhall be left to your Peti-'tioners, will be in hazzard to be ſtarved. All which exactions they 'expect to have from your Petitioners ſo long as they remain on 'this ſide *Tweed.* We have no ſuccour or relief to fly to, for the re-'dreſs of theſe unexpected Miſeries, but to God and your Majeſty, 'moſt humbly beſeeching your Majeſty, in the ſorrows of our hearts, 'to afford us your Princely Compaſſion, in relieving us and our 'Countrey from this ſudden and unexpected Calamity; whereby 'your Majeſty will preſerve us and our Poſterities daily to pray, as in 'all humble duty we are bound, for your Majeſty.'

To the Kings Moſt Excellent MAJESTY,

The humble Petition of the poor diſtreſſed Inhabitants of the County Palatine of Durham.

Who humbly ſhew,

September. The Inhabitants of *Durham* do pay 350 *l.* a day to the *Scots* Army.

'THat ſince the Eleventh of this inſtant *September*, they have 'been under the burden of a Compoſition of 350 *l. per diem* to 'the *Scotch* Army, which they were enforc't to pay, to preſerve their 'Countrey from deſtruction: ſince which time, they have further 'taken from them Hay and Straw, for which they pay nothing:

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'which all together is ſo intolerable a burthen, as they are no way 'able to bear it.

'Therefore their moſt humble Suit to your Majeſty is, that either 'by ſome directions from your Majeſty to the Lords now aſſembled, 'or by ſome other means, as in your Princely Wiſdom ſhall be 'thought moſt neceſſary, this inſupportable burden may preſently 'be removed; delay being unto the Countrey an unavoidable de-'ſtruction.

And we according to our bounden duty ſhall pray, &c.

To the Right Honourable the Lords of *England*, appointed Commiſſioners for the preſent *Meeting* at RIPPON.

The humble Petition of the Tenants belonging to the Biſhop and Dean and Chapter of Durham.

Moſt humbly ſheweth,

September. The Tenants of the Dean and Chapter of *Durham* their Complaint.

'THat whereas they have paid to the *Scots* a great ſumm of Mo-'ney, that thereby the Inhabitants within that County might 'be freed from any further trouble of the *Scots*, and that their Army 'ſhould make no Waſte nor Spoil in their Countrey, nor to demand 'no more Moneys to be paid to them till that time be expired: Yet 'ſo it is, may it pleaſe your Honours, That the Commanders for the '*Scots* Army have cauſed one *Tobias Knowles* an *Engliſhman*, to ſend 'forth his Warrants under his hand, to divers Pariſhes, thereby 'commanding the Conſtables, Greves and Officers to pay to their 'Collectors, the Rents due from your Petitioners to the Biſhop and 'Dean and Chapter of *Durham* at *Michaelmas* next; and that they 'ſhould pay the ſame at *Biſhop-waremouth* on *Tueſday* laſt, being the 'twenty ninth of *September* laſt paſt, and they ſhould have a ſixth 'part abated; and if they did refuſe to pay them that day, then that 'they ſhould pay all their Rents to them the ſecond day of *October* in-'ſtant, without any abatement at their perils.

'Their moſt humble Suit is, that your Honours would be graci-'ouſly pleaſed, to move the *Scots* Lords, that the poor Tenants may 'be eaſed for paying the ſaid Rents, they being no way able; and the 'Rents not yet due, and they not able to give them any diſcharge 'therefore. And that their Officers may deſiſt from further trou-'bling the ſaid Tenants about the payment of the ſaid Rents.

And they ſhall daily pay, &c.

To

16 *Caroli.*

To the Kings Moſt Excellent MAJESTY.

The humble Petition of Sir Thomas Riddell *the elder, Knight.*

Humbly ſheweth,

September 1640. Sr. *Tho. Riddell's* Petition, of the damage he hath received by the *Scots.*

'THat your Petitioner being an Inhabitant in *Gateſide* near *Newcaſtle* upon *Tine*, the *Scots* Army now of late ſince their 'coming thither, have taken and diſpoſed of all your Petitioners 'Corn, as well that in his Garners, being a great quantity, as alſo 'his Corn on the ground; and have ſpoiled and conſumed all his 'Hay, both of the laſt year and this years growth, have taken and do 'keep poſſeſſion of his two Milnes of great value, have ſpent his 'Graſs, and ſpoiled many Acres of his ground by making their 'Trenches in it; have waſted and diſpoſed of his Coals already 'wrought; have ſpoiled and broken his Engines, and utterly drown-'ed and deſtroyed the beſt part of his Coal-Mines, have baniſhed his 'Servants and Overſeer of his Lands and Coal-Works; have plun-'dered divers houſes of your Petitioners Tenants and Servants, and 'taken and ſpoiled their Goods, ſo that they are not able to pay your 'Petitioner any Rents, nor do him any ſervices. By all which, your 'Petitioner is already damnified 1500*l.* And for all which pre-'miſes the ſaid *Scots* have not given any ſatisfaction to your 'Petitioner nor his Tenants; whereby your Petitioner and his Poſte-'rity are like to be ruinated and undone (moſt of your Petitioners 'Eſtate conſiſting in the ſaid Coalyerie) unleſs ſome preſent courſe 'be taken for your Petitioners relief.

'Your Petitioners humble requeſt is, That your Majeſty will be 'graciouſly pleaſed, to take the premiſes into your Gracious Conſide-'ration, and of your wonted Clemency to afford your Petitioner 'ſuch remedy, as to your Highneſs's Wiſdom ſhall ſeem meet.

And your Petitioner ſhall daily pray for your Majeſty.

The Names of thoſe are fitteſt to treat and ſettle the Compoſitions for Cumberland *and* Weſtmorland.

For Cumberland.	*For* Weſtmorland.
Sr. *William Muſgrave.*	Sr. *Phillip Muſgrave.*
Sr. *Timothy Fetherſtonhaugh.*	Sr. *John Lowther*
Sr. *Thomas Dacres.*	Mr. *Dalſton* of *Ackeronbanck*, Eſq;
William Pennington, Eſq;	*Gawen Brathwaite*, Eſq;
Peter Stnehouſe, Eſq;	*Dudley*, Eſq;
Leonard Dikes, Eſq;	*Cleobarne*, Eſq;
Symond Muſgrave, Eſq;	*Crakenthorp*, Eſq;

Theſe Names were delivered unto the Earl of *Briſtoll* at *York* in his Lodging, by divers of the Gentlemen of both the foreſaid Counties on the day of *September* 1640.

An. 1640.

The Names of the Committee for the County of Durham.

Sr. *William Bellaſis* Knight, High Sheriff of the County Palatine of *Durham*.
Sr. *Thomas Tempeſt*, Baronet.
Sr. *John Conyers*, Baronet.
Sr. *William Lambton*, Knight.
Jerrard Salvyn, Eſq;
Thomas Swinburne, Eſq;
Nicholas Chaytor, Gent.
John Killinghall, Gent.
Richard Lilburne, Gent.

Theſe are named to be of the Committee for the County of *Durham*. Signed

Briſtoll.

An Account of the Payments and Arrears for entertainment of the Scots *Army by the County of* Durham *from the Eleventh of* September, *to the Sixteenth of* October 1640.

An Account of payments to the *Scots* Army.

Paid in Money——————8500 *l.* or thereabout.

In Hay and Oats——————0200 *l.*

The Clergy behind in the firſt, ſecond and third Seſſes——} 1000 *l.*

The Laity behind of the firſt, ſecond and third Seſſes——} 2000 *l.*

Summ is——11700 *l.*

To this add the Non-Solvents for Lands out of the Book of Rates, perſonal Eſtates and Impropriations——————} 0550 *l.*

And it will make up the full payment of 350 *l. per diem*, according to the Agreement and doth amount unto the full ſumm of——————} 12250 *l.*

And if there be any defect in the Arrears by Poverty or otherwiſe, it is to be ſupplyed out of the New Seſs, and by paying of ſuch Moneys for Proviſion, as they have given only Tickets for.

Proceedings

16 *Caroli.*

Proceedings at the Great Council of Peers aſſembled at *York* upon *Sept.* 24. 1640, in purſuance of the Kings Writ.

THis day his Majeſty came to the Deans Houſe at *York* near the *Minſter* about Nine of the Clock in the Forenoon, and being ſet under the State at the upper end of the Hall where the Great Council was kept, ſpake as followeth.

His Majeſties Speech to his Great Council of Peers aſſembled at *York*, *September* 24. 1640.

My Lords,

UPon ſudden Invaſions where the dangers are near and inſtant, it hath been the Cuſtom of my Predeceſſors to aſſemble the Great Council of the Peers, and by their Advice and Aſſiſtance, to give a timely remedy to ſuch Evils, which could not admit a delay ſo long, as muſt of neceſſity be allowed for the Aſſembling of the Parliament.

This being our Condition at this time, and an Army of Rebels lodged within this Kingdom, I thought it moſt fit to conform my ſelf to the practice of my Predeceſſors in like Caſes; that with your Advice and Aſſiſtance We might juſtly proceed to the Chaſtiſement of theſe Inſolencies, and ſecuring of my good Subjects.

In the firſt place, I muſt let you know, that I deſire nothing more, than to be rightly underſtood of my people. And to that end, I have of my ſelf reſolved to call a Parliament; having already given order to my Lord Keeper *to iſſue the* Writs *inſtantly, ſo that the Parliament may be aſſembled by the third of* November *next: Whither if my Subjects bring thoſe good affections, which become them towards me, it ſhall not fail on my part to make it a happy meeting. In the mean time, there are two points wherein I ſhall deſire your Advice, which indeed were the chief Cauſe of your meeting.*

Firſt, What anſwer to give to the Petition of the Rebels, and in what manner to treat with them. Of which, that you may give a ſure Judgement, I have ordered, that your Lordſhips ſhall be clearly and truly informed of the State of the whole buſineſs, and upon what reaſons the Advices that my Privy Council unanimouſly gave me, were grounded.

The ſecond is, How my Army ſhall be kept on foot and maintained, until the Supplies of a Parliament may be had. For ſo long as the Scotch Army *remains in* England, *I think no man will counſel me to disband mine: for that would be an unſpeakable loſs to all this part of the Kingdom, by ſubjecting them to the greedy appetite of the Rebels, beſides the unſpeakable diſhonour that would thereby fall upon this Nation.*

Then his Majeſty commanded the Petition of the *Scots* dated the fourth of *September* to be read; and the Anſwer thereunto the fifth of *September*. Alſo the Letter of the *Scots* to the Earl of *Lanerick*, dated at the Leaguer near *Newcaſtle*, the eighth of *September*, containing their demands; and the Anſwer thereunto.

All which are mentioned in order of time in theſe Collections, and therefore not now repeated again.

After

An. 1640.

After this was read a Letter to the Lord *Lanerick*, dated by the *Scots* at *Newcaſtle September* 23. 1640. deſiring his Lordſhip to procure them a ſpeedy Anſwer to their Petition and demands: and likewiſe the Petition to the ſame effect.

And that their Lordſhips might perceive and know, upon what Grounds and Reaſons the Lords of the Privy Council had unanimouſly adviſed to raiſe an Army againſt the *Scots*, his Majeſty commanded their particular demands made in their laſt Parliament, and acknowledged by the Lord *Lowdon* to be read. Which demands the Earl of *Traquaire* explained to the Peers for their better Information; and ſhewed, how ſome of them ſubverted the Fundamental Laws of that Kingdom; others the Prerogative and Dignity of his Majeſty derived from all his Predeceſſors, and whereof many were to the detriment of the Kings Profit, and prejudice of divers good Subjects there.

Commiſſioners appointed to treat with the *Scots*.

ALL which being heard and conſidered of by the Peers, it was at laſt reſolved (as touching the firſt Point propoſed by his Majeſty) "That certain of themſelves ſhould be ſent as Commiſſi-"oners to Treat with Commiſſioners of theirs. The number agreed upon were Sixteen; *viz.*

Earl of Bedford.	*Viſcount* Mandevile.
Earl of Hertford.	*Lord* Wharton.
Earl of Eſſex.	*Lord* Pagget.
Earl of Salisbury.	*Lord* Brooke.
Earl of Warwick.	*Lord* Pawlett.
Earl of Briſtoll.	*Lord* Howard.
Earl of Holland.	*Lord* Savile.
Earl of Berkſhire.	*Lord* Dunſmore.

AND becauſe the Commiſſioners for their better proceeding and information, deſired ſome ſuch Aſſiſtance to be preſent with them at the Treaty, as were either verſed in the Laws of *Scotland*, or had been formerly acquainted with the paſſages of this buſineſs, Theſe following were named and appointed Aſſiſtants by his Majeſty; *viz.*

Earl of Traquaire.	*Mr. Secretary* Vane.
Earl of Morton.	*Sir Lewis* Steward.
Earl of Lanerick.	*Sir* John Burrough.

AS touching the place of Meeting, it was at firſt deſigned to be at *York*; and afterwards ordered to be at *Northallerton*.

It was further ordered, That the Earl of *Lanerick* Secretary of *Scotland*, ſhould write his Letter to the *Scots* at *Newcaſtle*, ſignifying the reſolution of the King and Peers to treat with them at the day and place appointed, with the Names of the Commiſſioners.

Alſo to let them know, that they ſhould have ſufficient Safe-Conducts for their Commiſſioners; and likewiſe a releaſing of their Priſoners

Priſoners for exchange of ours detained by them, and fair Quarter to be kept betwixt both Armies.

The Letter followeth in theſe words:

My Lords,

The Earl of *Lanerick's* Letter to the *Scots* about the Treaty.

'ACcording to his Majeſties appointment; the moſt part of the 'Peers of this Kingdom of *England*, met here at *York* this day, 'where his Majeſty did communicate unto them your Deſires and 'Petitions: And becauſe you do ſo earneſtly preſs for a ſpeedy An- 'ſwer thereunto; his Majeſty with the advice of the Peers, hath 'nominated ſuch a number of them, for a Conference with you up- 'on *Tueſday* next at *Northallerton*, whoſe Names are here under- 'written: But withal, if you ſhall think the time too ſhort, and 'with conveniency you cannot come ſo ſoon thither, if betwixt this 'and *Sunday* you do acquaint his Majeſty therewith, he will take 'order for the delay thereof, for one day or two.

'And that you may without all fear or danger of Detention, ſend 'ſuch perſons unto the ſaid Conference as you ſhall think moſt fit, if 'betwixt this and *Sunday*, you ſend thither the Names of thoſe you 'mean to employ; his Majeſty will with all poſſible Diligence retain 'a Safe-Conduct under his own Royal Hand for them and their ne- 'ceſſary Servants.

'His Majeſty hath likewiſe commanded me to let you know, that 'upon your releaſing of ſuch Officers, and others of his Subjects, as 'are detained by you, he will return all ſuch of yours, as are his 'Priſoners, either here or at *Berwick*. And hereafter reſolves, that 'fair Quarter ſhall be kept betwixt both Armies. Thus having re- 'ported his Majeſties pleaſure, I continue

Your Lordſhips Servant,

YORK, Septemb. 24.
1640.

Lanerick.

The ſame Commiſſioners were inſerted in this Letter, who were agreed upon at the Great Council, and are before mentioned.

Earl of Bedford.
Earl of Hertford, *&c.*

This Letter was ordered to be ſent by Mr. *John Bellaſis* Son to the Lord *Faulconbergh*, appointed for that purpoſe by his Majeſty and the Peers.

September

An. 1640.

September 25, 1640.

Preſent

The Kings Moſt Excellent Majeſty,

Lord Keeper.
Lord Privy-Seal, &c.

The Subjects matters to be conſidered by the Great Council of the Peers at *York.*

HIs Majeſty in the firſt place commanded the Petition of the Inhabitants of *Northumberland* to be read, complaining of divers unreaſonable and inſupportable Exactions of the *Scots.*

Alſo the Petition of the Inhabitants of the Biſhoprick of *Durham.*

Then the Petition of the Tenants to the Biſhop, Dean and Chapter of *Durham.*

All which are before mentioned.

Then his Majeſty cauſed the before mentioned Letter, which the Earl of *Lanerick* had drawn up, to be read in full Council, bearing date the 24th of *September*, which was agreed upon and ordered to be ſent to the *Scots* at *Newcaſtle* by Mr. *Bellaſis.*

The Biſhop of *Durham* alſo having preſented to the Council the great Calamities which the Inhabitants of the Biſhoprick endured by reaſon of the *Scottiſh* Exactions, humbly beſought, that the Lords Commiſſioners would procure the *Scots* to forbear Acts of Hoſtility during the Treaty.

Whereupon his Majeſty gave order, that the Commiſſioners for the Treaty at *Rippon* ſhould take that particular into conſideration, and as they ſhould ſee opportunity to deal therein.

THe Incommodities which the Lords ſhould meet withal at *Northallerton*, being ſignified by the Earl of *Strafford*, the whole Council afterward concluded to change the place to *Rippon*, and the day of Meeting was to be the firſt of *October.*

THen his Majeſty moved the Lords to apply themſelves to the buſineſs of the day; which was to enter into debate of the ſecond Propoſition propoſed the day before by his Majeſty; *viz.*

How the Army ſhould be maintained until the Supplies of a Parliament might be had.

And that their Opinions might be more freely delivered, his Majeſty offered to retire and depart the Council. But the Peers humbly beſought his Majeſty, to continue his preſence amongſt them; for that by his great Wiſdom and particular knowledge of his affairs, they ſhould be the better directed to reſolve upon that which was moſt expedient to be done. Unto which their humble requeſt his Majeſty graciouſly aſſented.

And then his Majeſty deſired the Peers to enter into Conſideration,

1. Firſt, What, and how much, was fit to be had, for the maintenance of his Army. And,

Secondly,

16 Caroli.

Secondly; How it ſhould be raiſed or procured. Informing them, that it was only Money that was wanting: For as for other Neceſſaries, there was ſufficient proviſion made already. And that they might the better conceive what ſumm was requiſite, he referred them to the Relations of the Earl of *Strafford*, and others his Officers, that ſhould give them information of the true State of the Army: adding, that in his own opinion, no leſs ſumm than *Two Hundred Thouſand Pounds* would ſerve the turn.

Whereupon the Earl of *Strafford*, Lieutenant General of the Army, declared the State of it to be as followeth:

The State of the Kings Army.

'1. THat the Kings Army was in Arrear to *Yorkſhire* for one Fort-
'nights Victuals.

'2. That there was in pay Nineteen or Twenty Thouſand Foot, 'and about Two and Twenty or Three and Twenty Hundred Horſe, 'beſides Three Regiments of *Scottiſh* Reformed Officers all in pay, 'which amounted to *Threeſcore Thouſand Pounds a Moneth.*

'3. That if this Army ſhould disband for want of Money to pay 'them, the County of *York* would be loſt in two dayes, and the whole 'Kingdom endangered.

'4. Laſtly, That to keep the Army together for three Moneths, no 'leſs would ſerve than the ſumm of *Two Hundred Thouſand Pounds.*

'HEreupon it was reſolved, That a Letter ſhould be written to 'the City of *London*, ſubſcribed by all the Peers preſent, for lend-'ing the foreſaid ſumm of *Two Hundred Thouſand Pounds*; which 'Letter was to be drawn by a ſelect Committee of the Council be-'ing nominated, as followeth:

Lord Keeper.
Lord Privy Seal.
Earl of Bedford.
Earl of Hertford.
Earl of Briſtoll.
Earl of Strafford.
Lord North.
Lord Goring.
Mr. Secretary Vane.
Lord Chief Juſtice Littleton.
Mr. Attorney.

A Letter from the Lords of the Great Council at *York* to the City of *London.*

AFter, &c. *Having been by his Majeſties Writ under the Great Seal of* England, *aſſembled here the twenty fourth of this inſtant Moneth, to our exceeding Joy and Comfort, before our entry into any Conſideration his Majeſty was pleaſed to declare his gracious reſolution for holding a Parliament at* Weſtminſter *the third of* November *next; to which Declaration his Majeſty was pleaſed to add ſo full aſſurance of his great deſire to be rightly underſtood by his people, and of his reſolution to relieve all the juſt grievances at this ſucceeding Parliament, that we all reſt confident upon his Royal Word, that this whole Kingdom ſhall be firmly united in a loyal and hearty care for the preſervation of the true Religion eſtabliſhed here, the honour of his Moſt Sacred Majeſty, and the general good and happineſs of all his Majeſties loving Subjects. We are every way ſenſible of the great calamity, that cannot but*

An. 1640. *light upon both Kingdoms by the preſent diſtractions and diſtempers, and have for timely remedy therein, been (by his Majeſties great Wiſdom and Prudence) put into a way of Treaty with thoſe of* Scotland, *for ſuch an accommodation, as may tend to the honour of his Majeſty, and the perfect union of both Kingdoms; wherein as we reſt moſt aſſured, that his Majeſty will be no way wanting in his Grace and Goodneſs, to liſten to the juſt and reaſonable Demands of his Subjects of* Scotland; *ſo if they ſhall inſiſt upon terms diſhonourable for his Majeſty and the* Engliſh *Nation to condeſcend unto, we ſhall all hold our ſelves obliged in honour and duty to preſerve and defend this Kingdom from all invaſions and ſpoils, by any kind of enemy whatſoever. The Lords appointed by his Majeſty and the Great Council of the Peers are to meet with thoſe of* Scotland *on* Thurſday *next at* Rippon; *and we all are not out of hope, that all things may come to a happy and ſpeedy concluſion. In the mean time, taking into our ſerious conſideration the ſtate of* Newcaſtle, *the Commodities whereof are ſo neceſſary and behoveful for the City of* London, *and indeed for the whole Kingdom; the miſerable conditions of the Counties of* Northumberland, *and the Biſhoprick of* Durham; *the particulars whereof, the Lords deputed and entruſted with theſe our Letters and other Inſtructions, will fully acquaint you with: and withal finding that the ſafety of this great and conſiderable County of* York, *and the adjacent Counties, depend upon the holding together of his Majeſties Army; and knowing well, that although theſe Counties ſhould for the preſent firſt undergo the Calamity that would enſue thereon, yet the danger and miſery would ſoon undertake all other Counties of the Realm, We could not in our Judgements think it wiſdom, to adviſe his Majeſty to disband our Forces, but much rather, to continue them together, till by the happy ſucceſs of this Treaty, or the great Wiſdom of the Parliament, ſome courſe might be taken for a firm Peace, or juſt War; the conſideration whereof, we ſhall, as in all things, humbly referr to that Great and Honourable Body now ſummoned, and which will undoubtedly, with* Gods Grace, *aſſemble at the day and place appointed. His Majeſty hath made it appear to us, that his Treaſure is exhauſted, and that he is altogether unprovided to keep his Forces together for ſo long a time, as the Parliament can ſettle ſome ſuch courſe, as they in their Wiſdoms ſhall think fitteſt. To the end therefore that the* Engliſh *Forces may not disband till thoſe of* Scotland *do, we have all with an unanimous conſent reſolved, that it is neceſſary, that his Majeſty be ſupplyed with* Two Hundred Thouſand Pounds, *as well for the continuing of them together, as for the orderly diſmiſſing of them when it ſhall be time ſo to do, leſt in their return his Majeſties Subjects ſhould undergo any of thoſe inconveniencies, that Soldiers ſent away unſatisfied are apt to put upon them. We aſſuredly perſwade our ſelves, that the City of* London *is well able to ſupply his Majeſty with this ſumm; and we do not doubt, but (our hearts being all here united) the ſame affection will ſhew it ſelf in you of* London, *who are ſo concerned in the Danger, and ſo conſiderable in your ſelves. To theſe arguments, which we doubt not but you will ſeriouſly conſider, and fortifie with many of your own, we cannot but add our hearty, earneſt and unanimous deſires and affectionate requeſts, that you would not at this time be failing to ſo gracious a King, to the whole Kingdom, and to your ſelves; and to this purpoſe we have deputed their Lordſhips* Henry *Earl of* Manchester, Lord Privy Seal, Philip *Earl of* Pembroke *and* Montgomery, *Lord Chamberlain of his Majeſties Houſhold,* Jo. *Earl of* Clare, Ed. *Viſcount* Campden, *the Lord* Coventry,

and

16 *Caroli.*

and George *Lord* Goring, *Vice-Chamberlain of his Majesties Houshold, members of this Great Council, who being assisted by the principal Officers of his Majesties revenues, shall treat and conclude with you of all particulars both for security and dayes of payment, such as may best suit with his Majesties real performance of the premises, we offer our selves to joyn in any further security in such manner as shall be agreed upon by these Lords and your selves: all which we the rather offer to your serious considerations, in regard we do visibly foresee, that the disbanding of his Majesties Army, may be the absolute loss of all those adjacent Counties; and the endangering of the whole Kingdom, and that no other present means than by Loan of* Two Hundred Thousand Pounds *from you, can be found, for the publick preservation of the King and Kingdom. And so we bid you heartily farewell, and we rest*

Your ever loving friends, *&c.*

These Instructions were drawn up for the Lords deputed to treat with the City of London.

Instructions given to the Lords that were to treat with the City of *London* for the Loan of 200000 *l.*

'1. TO acquaint them with the Petitions from *Newcastle, Northumberland* and the Bishoprick of *Durham*, with such Circumstances as they conceive material concerning them.

'2. To acquaint them with the Acts and proceedings of this 'Assembly of the Peers.

'3. The Security which they shall offer from the Peers, is to be 'by Bond.

'4. All other Peers (though not present at this Assembly) are 'to be desired to engage themselves as far forth as the Peers now assembled shall.

'5. The Lords deputed shall have authority to desire, in the name 'of this Great Council, the Assistance of any Peer of the Realm for 'furtherance of the Business, wherein they are employed.

'6. The Lords deputed, to agree for times of Payment and Re-'payment, wherein they are to take notice, that his Majesties Occasions will require Fifty Thousand Pound to be paid by the twelfth 'of *October* next, One Hundred Thousand Pound by the fifteenth of '*November*, and the other Fifty Thousand Pound by the first of '*December*, and to draw the City as near as they can to these 'times.

'For the Dayes of Re-payment, they are to conferr with the Officers of his Majesties Revenue.

An. 1640.

Engliſh Lords appointed by the Great Council of the Peers, to treat with the Commiſſioners of Scotland *at* Rippon *on* Thurſday October 1. 1640.

Earl of Bedford,
Earl of Hertford, *&c.* as are before mentioned.

To whom were added as Aſſiſtants,

Earl of Traquaire.
Earl of Morton.
Earl of Lanerick.
Mr. Secretary Vane.
Sr. Lewis Steward.
Sr. John Burough.

Scottiſh Commiſſioners.

Earl of Dunfermelin.
Lord Lowdon.
Sr. Patrick Hepburne.
Sr. William Dowglaſs.
Mr. Smith.
Mr. Wedderburne.
Mr. Henderſon.
Mr. Johnſton.

Sept. 29. The Kings Commiſſion impowering the *Engliſh* Lords to treat with the *Scots*, as it paſſed under the Great Seal.

CHARLES by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our Truſty and well beloved Couſins and Councellors of our great Council now aſſembled, Francis Earl of Bedford, William Earl of Hertford, Robert Earl of Eſſex, William Earl of Salisbury, Robert Earl of Warwick, John Earl of Briſtoll, Henry Earl of Holland, and Thomas Earl of Berks; and to our right Truſty and right well beloved Councellors of our ſaid Great Council, Phillip Lord Wharton, William Lord Pagett, Edward Lord Kimboulton, Robert Lord Brooke, John Lord Paulett of Hinton St. George, Edward Lord Howard of Eſtricke, Thomas Lord Savile, and Francis Lord Dunſmore, Greeting: Whereas divers of our Subjects of Scotland have by their ſeveral Petitions humbly beſought Us, that We would be graciouſly pleaſed to grant unto them certain Demands, whereupon We let them know, That by the Advice of the Great Council, We would give anſwer thereunto; We repoſing ſpecial truſt and confidence in your great Wiſdoms and Fidelity, by the Advice of our ſaid Great Council, have given and granted unto you, and by theſe preſents do give and grant unto you or any Ten or more of you, full power and authority to treat with Charles Earl of Dumfermling, John Lord Lowdon, Sir William Dowglas of Caveris, Sir Patrick Hepburne of Waughton, John Smith, Alexander Wedderburne, Alexander Henderſon, and Archibald Johnſton, or any of them deputed by our ſaid Subjects of Scotland, or nominated on their behalf: and to take into your ſerious Conſideration the ſaid Demands, and to compoſe, conclude and end all differences ariſing thereupon, or otherwiſe as you or any Ten or more of you

you in your Wiſdoms ſhall think fit. And whatſoever you our ſaid Commiſſioners, or any Ten or more of you ſhall do in the premiſes, We do by theſe preſents ratifie and confirm the ſame. In Witneſs whereof, We have cauſed theſe our Letters to be made Patents. Witneſs Our Self at Our City of York, the Nine and Twentieth Day of September in the Sixteenth Year of Our Reign.

For the better management of this Treaty, certain Inſtructions were given to the Kings Commiſſioners of this Tenor:

Inſtructions for our Right Truſty and Right Well beloved Couſins and Councellors of our Great Council, the Earls of Bedford, Hertford, Eſſex, Salisbury, Briſtoll, Warwick, Holland *and* Berks, *and for our Right Truſty and well beloved Councellors of our Great Council, the Lords* Mandevile, Paget, Wharton, Brooke, Pawlett, Howard, Savile, *and* Dunſmore, *Barons and Councellors nominated and deputed by Us and the Great Council of Peers, now aſſembled by vertue of our Writ of Summons at our City of* York, *to meet and Treat of an Accommodation of Differences; and if poſſible, a firm peace, with ſuch Lords and others of* Scotland, *as ſhall be deputed and authorized to the ſame effect: Which Conference is appointed by Us to be held on* Thurſday *next at* Rippon *the firſt of* October 1640.

'FIrſt, You are for a ground and rule unto this preſent Treaty, 'to take the Articles of Pacification agreed upon, and ſigned by 'Us and them the laſt year at our Camp near *Berwick*. And in caſe 'they aſſent unto them, you are then to declare in our Name, that 'we are ſtill reſolved not to depart from any thing therein contained 'on our part.

'But if ſo you find upon Conference, that they will not lay the ſaid 'Pacification as a ground to the Treaty, you are then to hear their 'Reaſons, and to advertiſe Us and the Peers thereof.

'And whereas the *Scotch* Lords, by their Letter of the eighth of 'this inſtant *September* to the Lord *Lanerick*, have made ſeveral 'Demands:

'Firſt, That the laſt Acts of Parliament may be publiſhed in our 'Name; you are to let them know, that the Convention being con-'vened without our Royal Authority, contrary to the Laws and 'Conſtitutions of that Kingdom, We may not Ratifie the ſame with 'our Royal aſſent; yet nevertheleſs ſuch are our Inclinations to 'peace and the preſervation of that our Kingdom, that we having 'taken into conſideration thoſe particular Acts, concerning ſuch and 'ſuch perſons, We will give our Conſent in a Parliament to be ſum-'moned by Us according to the Legal way: and for ſuch other Acts, 'as are either Derogatory to our Crown and Dignity, or alter the 'Fundamental Conſtitutions of the Parliament of that Kingdom, 'We have commanded the Earls of *Traquair*, *Morton* and *Lanerick*, 'to give you the beſt Informations herein they can.

2. To

An. 1640.

'2. To the ſecond demand, touching the Caſtle of *Edenburgh*, and 'other ſtrenghts of *Scotland*; You are to let them know, that as 'the laſt year, ſo now, We expect that they ſhall be reſtored. 'Which we mean to keep for the Defence of that Kingdom, as hath 'been done in the times of our Predeceſſours.

'3. Concerning the third Demand, that the *Scotch* in *England* and '*Ireland* ſhould be freed from Oaths and Subſcriptions, You are to 'declare unto them, that the Subjects of each Nation are to be ſub-'ject to the Laws of that Kingdom wherein they live.

'4. To the fourth, That the common Incendiaries who have been 'the Authors of this Combuſtion in his Majeſties Dominions, may 'receive their juſt Cenſure, You are to tell them that we conceive 'that all perſonal Animoſities and Diſputes touching the actions of 'private perſons, not being eaſie to be compoſed, It were much bet-'ter and more Chriſtian to bury them on all hands, than to raiſe 'them again by ſuch Demands. But if they preſs particulars againſt 'any perſon, you are to hear them, and to report the ſame to Us, 'and the Great Council of the Peers.

'5. To the fifth, that their ſhips and Goods, with all the Damages 'thereof may be reſtored, You are to let them know, That the other 'points of the Treaty being accorded, We are graciouſly pleaſed 'that the Ships and Goods of our Subjects be reſtored.

'6. To the ſixth, That the Wrongs, Loſſes and Charges ſuſtained 'may be repaired, You are to underſtand from them, for what and 'from whom they intend their ſatisfaction.

'7. To the ſeventh, That the Declarations made againſt them as 'Traytours may be recalled, You are to let them know, that when 'the Treaty is agreed upon, and they conform themſelves as Dutiful 'and obedient Subjects, We ſhall then be graciouſly pleaſed to recall 'the ſaid Declarations.

'8. And for the removing of the Garriſons from the Borders, and 'Impediments that may ſtop Free-Trade, You may declare unto 'them, that this was not demanded by the Articles of Pacification. 'And though afterwards deſired by them, yet refuſed by us. Ne-'vertheleſs when the *Scottiſh* Army and Forces ſhall be withdrawn 'out of this Kingdom, We ſhall be content to do therein, as our 'Great Council of the Peers now aſſembled ſhall adviſe us. And 'for the Freedom of Trade, We will then take ſuch order as ſhall 'content them.

'As touching the ſuſpenſion of Armes, We do give you power 'to move, or accept of any thing concerning the ſame, as you ſhall 'ſee cauſe upon the place, Taking the beſt care you can, for relieving 'of ſuch Counties as are under Contribution.

'Now the Articles of Pacification the laſt year, being the Rule to 'govern this Treaty by, and for theſe Articles and the particular 'anſwers to their Demands, You are then to endeavour to draw 'them as near to the ſame as you can, but not to break the Treaty, 'only to Report the Differences, with the reaſons that fall between 'you, to us, and our great Council of the Peers now aſſembled.

'Laſtly, We have commanded that the Earls of *Traquair*, *Morton*, '*Lanerick*, Mr. Secretary *Vane*, with the aſſiſtance of Sr. *Lewis Stew-'ard*, and Sir *John Burough*, may be preſent at the Treaty between 'you and our Subjects of *Scotland*, at all your publick Debates, Meet-

'ings

'ings and Conferences concerning the ſame. It is therefore our ex- '16 Caroli.
'preſs pleaſure, that they, or any of them may object, debate, and
'propoſe what they (out of the knowledge and experience they
'have had of theſe affairs) ſhall conceive to conduce to our ſervice,
'and the peace of theſe our Kingdoms.

Soon after this the *Scots* appointed a ſelect Committee to Treat with the Lords Commiſſioners agreed on by his Majeſty and the Council, and ſignified the ſame to the ſaid Commiſſioners in this following Letter.

Right Honourable,

The *Scots* Letter to the *Engliſh* Commiſſioners.

THeſe are to ſignifie to your Lordſhips, that We have appointed the Earl of Dumfermlin, *the Lord* Lowdon, *the Sheriff of* Teviottdale, *Sr.* Patrick Hepburne *of* Wanchtowne, John Smith, *Mr.* Alexander Wedderburn, *Mr.* Alexander Henderſon, *and Mr.* Archibald Johnſton *to attend thoſe Noblemen, whom his Majeſty hath been pleaſed to nominate, for that Conference appointed by his Majeſty to be at* Rippon *on* Thurſday *next, they getting that ſafe-Conduct here enclоſed under his Majeſties Royal hand, with ſubſcription of the Peers, returned with this Bearer; and that We have not (in this preparatory Treaty) ſent a Number equal to thoſe Peers expreſſed in your Lordſhips Letters, the fewneſs of our number here, and the nature of our Commiſſion, being a Committee from the Parliament, and the greater part of the Peers of* Scotland *being abſent, will plead our excuſe. And to witneſs how much deſirous we are to obey all his Majeſties juſt Commandments, We have releaſed ſuch Officers and others, as were detained by us, being confident, that his Majeſty, (out of his Royal Juſtice and Goodneſs) will be graciouſly pleaſed to releaſe all ſuch as are impriſoned, or detained for our Cauſe in any place within his Majeſties Dominions; and that ſuch fair Quarter ſhall be condeſcended upon, and kept hereafter betwixt both Armies, as are in any Wars, till we attain a happy peace; That from the ſenſe of Royal benignity, We may be encouraged to the performing of every Duty can be required, or expected from good Subjects, In which Reſolution we remain*

Your Lordſhips

Newcaſtle Sept. 26.
1640.

Affectionate Friends to ſerve you.

The Commiſſion.

'WE Commiſſioners of the Parliament of *Scotland, under ſubſcri-*
'*bed*, Do by theſe preſents give full power and Commiſſion to
'*Charles* Earl of *Dunfermelin*, *John* Lord *Lowdon*, Sir *Patrick Hep-*
'*burne* of *Wanchtown*, Sir *William Douglas* of *Caneris*, *John Smith*,
'Mr. *Alexander Wedderburn*, Mr. *Alexander Henderſon*, and Mr. *Ar-*
'*chibald Johnſton*, to meet and Convene with the Noblemen Peers of
'*England*, appointed for the Conference anent his Majeſties Anſwer
'to our Demands, with power to them to Confer, Treat, and De-
'mand, conform to the Inſtructions already given, or which ſhall be
'hereafter given, or ſent to them, and to report to Us at all occaſi-
'ons.

An. 1640.

'ons. In witneſs whereof we have Subſcribed theſe preſents at *New-Caſtle* the laſt day of *Septemb.* 1640. Subſcribed

Rothes.	*Thomas Hope.*
Caſſillis.	*W. Riccarton.*
Lothyan.	*W. Hamilton.*
Lindeſay.	*Hen. Kennedy.*
Napier.	*G. Porterfield.*
Home.	*J. Sword.*
Sir *George Ker.*	*J. Rutherford.*

The Treaty at *Rippon.*

October the firſt, being the day appointed, they met at *Rippon*, and the Earl of *Briſtol* opened the occaſion of the Conference and meeting at this time to this effect.

'IT is by his Majeſties ſpecial Commandment, that We give your 'Lordſhips this Meeting; We come authorized by his Majeſties 'Commiſſion, under the Great Seal of *England.*

'And by his Majeſties further permiſſion, We have been nomi-'nated and deputed by the great Council of Peers now met at '*York.*

'Our ends and our Deſires, I conceive are the ſame, which are by 'Gods holy permiſſion, to endeavour to accommodate thoſe unhap-'py miſunderſtandings and Differences which are now on foot, in 'ſuch ſort as may moſt redound to the Glory of God, the Eſtabliſh-'ment of true Religion, the Honour of the King, Soveraign to Us 'both, and the Peace and Tranquillity of both Nations.

At the day appointed, &c.

Rippon, Oct. 2. 1640.

The *Scottiſh* Commiſſioners at their firſt meeting took exceptions to the Aſſiſtants, and gave the effect thereof in Writing as followeth.

The *Scots* Commiſſioners except at the Aſſiſtants of the *Engliſh.*

'BEcauſe we doubt not but your Lordſhips are well acquainted 'with our proceedings, and the Reaſons of our Demands, and 'ſince by our Commiſſion We are not Warranted to Treat, but 'with the Noblemen named by his Majeſty, with the advice of the 'Peers, and are particularly Warranted to make exception againſt 'the Earl of *Traquair* for his Maleverſation in the matter of the Aſ-'ſembly and Parliament, and for which his Lordſhip, and all ſuch 'as have done evil Offices to divide betwixt the King and his Sub-'jects, are demanded to be Cenſured; therefore we expreſly decline 'the Earl of *Traquaire*, and do not conceive that according to his War-'rants granted to us in his Majeſties Letter and our Commiſſion, 'any man can aſſiſt at the Treaty but the Noblemen expreſſed in his 'Majeſties Letters.

The

16 *Caroli.*

The *Scotch* Commiſſioners being moved to ſet down certain Heads for Introduction to the Treaty, they exhibited a Paper of the tenour following.

Rippon, Oct. 2. 1640. Heads for introduction to the Treaty ſet down by the *Scots* Commiſſioners.

'1. WE conceive that ſince our humble deſires and demands 'are particularly expreſſed, the moſt convenient Or- 'der for bringing of matters ſpeedily to a wiſhed end, muſt be to 'Treat upon the very demands as they are expreſſed; And whatſoe- 'ver from the Articles of the laſt Pacification, or any other grounds, 'may ſerve for expeding of matters, that it be brought in as *ſub ve-* '*nia.*

'2. If there be a Treaty of Pacification, and Armes ſhall ceaſe; 'It is neceſſary that your Lordſhips firſt take into your Conſidera- 'tion, how our Army ſhall be maintained, until the Treaty be ended, 'and our peace ſecured.

'3. If it ſhall be found expedient that a greater number of Com- 'miſſioners be ſent to the Treaty, from the Commiſſioners of the '*Scotch* Parliament, It is humbly craved, that the like ſafe-Conduct 'may be given to them, as is granted to us.

'4. A ſafe-conduct is likewiſe demanded to all ſuch as ſhall be 'ſent from the Commiſſioners of the Parliament to us, or from us 'to them upon all occaſions; and that the ordinary Poſt may be 'free for carrying of our Letters to *Edenburgh*, and from thence for 'giving of ſpeedy Advertiſement and Reſolutions, becauſe of the 'neceſſary intercouſe and correſpondence betwixt both the Com- 'mittees.

'5. That (for the benefit of the Subjects of both Kingdoms) 'Trade, and free Commerce, of Importing and Exporting of Com- 'modities be allowed, eſpecially that Victuals from *Scotland* and 'other places may be tranſported to *Newcaſtle*, for the better eaſe of 'the *Engliſh*, and more convenient entertainment of our Army.

Theſe Propoſitions the Lords Commiſſioners ſent to the King, and received direction to give them this Anſwer, which they did in writing as followeth.

To the Propoſition of the ſafe-Conduct and freedom of the Poſt way.

'HIS Majeſty is graciouſly pleaſed to grant the ſame, during 'the Treaty.

'Concerning the Aſſiſtants.

The Anſwer to the *Scots* exception of the Aſſiſtants.

'That in regard of the unequal condition which is conceived his 'Majeſties affairs will be put into, if his Majeſty ſhould not make 'choice of ſuch aſſiſtants as he conceiveth be verſed in them; We 'have order to offer it to your ſecond conſideration, and to let you

An. 1640.

'know, that the ſaid Aſſiſtants are not any way authorized to Con 'ferr or Treat with the Commiſſioners of *Scotland*, nor to have any 'voice or yote in the debating, or concluding of any thing; but to 'give Us a right Underſtanding of ſuch things as can no otherwiſe 'fall under our knowledge.

To this the *Scotch* Commiſſioners replyed the ſame day, as followeth.

The *Scots* Reply.

'WE do thankfully acknowledge his Majeſties goodneſs in 'granting the ſafe-Conduct, and opening the Poſt way, and 'that we may at all occaſions make uſe thereof, we deſire that ſo 'ſoon as may be, the ſame may be made known to the Poſts all 'the way to *Berwick*, and Warrant given that there be no impedi-'ment to ſuch, as ſhall come and go.

'Concerning the Aſſiſtants, the reaſons of our former Anſwer 'permitteth us not to take any new Reſolution in our ſubſequent 'Conſiderations: And ſince your Lordſhips do declare, that it is 'not intended that they ſhall have any voice in debating, and all 'points material are to be committed to Writ, If your Lordſhips 'conceive their advice to be neceſſary, it may be given to your Lord-'ſhips by them, although they aſſiſt not openly in the Treaty.

After this, the Commiſſioners on both ſides falling into ſpeech of a Ceſſation of Armes during the Treaty; The *Engliſh* Lords preſſed to have them particularize their Demands, and eſpecially to ſet down in writing what they expected upon their Propoſition of having their Army maintained during the Treaty.

This the *Scotch* Commiſſioners requeſted to have in Writing, which was given them as followeth.

The *Scots* Commiſſioners deſired to ſet down in writing, what maintenance they require for their Army during the Treaty.

IT is propounded to your Lordſhips, that you give a particular of all your demands under your hands, and eſpecially what you do expect for the Loſſes which you pretend to have ſuſtained; As likewiſe for maintenance of your Army during the Treaty, and how you intend or would adviſe, it ſhould be raiſed or ſatisfied unto you.

To which they made Anſwer the ſame day in writing, in theſe words.

The *Scots* Anſwer.

IT is our deſire unto your Lordſhips, that ſuch things which are preparative and neceſſary for the Treaty, may be diſtinguiſhed from the matters and parts of the Treaty it ſelf; And thus we ſhall be ready to give the particular of that our demand, concerning our Loſſes and Charges which we have ſuſtained, and of all our other demands, each one in their own place; And we are willing to anſwer preſently according to our Inſtructions, to that which is propounded by your Lordſhips, concerning the maintenance of our Army; for by them we are Warranted to demand the ſumm of *Forty thouſand pounds in the Month.* But concerning the way of raiſing thereof,

16 Caroli.

thereof, neither are we inſtructed, nor do we preſume to adviſe; And your Lordſhips in your wiſdoms, can beſt conſider the wayes how this may be done, that we may the better proceed in the intended Treaty.

UNto this Propoſition the Earl of *Briſtol* (by order of the reſt of the *Engliſh* Lords Commiſſioners) demanded of the Commiſſioners of *Scotland*, whether the demand of *Forty thouſand pounds a Month* were poſitive, or ſuch as upon debate, and juſt reaſons they might mitigate.

This the *Scotch* Commiſſioners craved to have in Writing, and returned their Anſwer in writing, as followeth.

AS we have (according to our Inſtructions) ſhewn your Lordſhips what is required for the maintenance of our Army, ſo it is our deſire, that your Lordſhips may be pleaſed to expreſs, what ſumm your Lordſhips think to be a Competency; and that as your Lordſhips think meet to make Remonſtrance of our propoſition to his Majeſty, we alſo may be enabled to make your Lordſhips minds known to the Committee of Parliament that ſent us, for the better and more ſpeedy accommodation.

Rippon Octob. 5.
1640.

TO this Demand of the *Scotch* Commiſſioners, the Lords Commiſſioners of *England* (before they returned Anſwer) thought fit to ſend five of their own number, *viz.* the Earls of *Hartford*, *Briſtol*, and *Holland*, and the Lords *Wharton* and *Savil*, to acquaint the King and the Great Council of the Peers therewith, and to receive direction how to proceed therein.

May it pleaſe your Majeſty,

Octob. 2. 1640. A Letter from the Commiſſioners at *Rippon* to the King.

WE *met with the Commiſſioners of* Scotland *this morning, being* Friday *the ſecond of* October, *where the Earl of* Briſtol *made a ſhort Introduction. And in the firſt place we made your Majeſties Commiſſion under the Great Seal of* England *to be read. In the next place, we deſired to know how they came authorized. Whereupon they produced a Commiſſion from the Commiſſioners of their Parliament of* Scotland, *a copy whereof we ſend your Majeſty. After this the Lord* Lowdon *ſaid it was moſt needful to repeat their demands; for the concluſion of the late Parliament, their Printed Declarations, and their Letters to the Earl of* Lanerick *contained the ſubject and ſubſtance of all their demands. Hereunto after conſultation amongſt our ſelves, we replyed that if their demands had been ſet down in any Letter or Petition, we might have had certain grounds to Treat of; but to have relation to all their Printed Declarations, were to leave things to uncertainties. Hereunto they replyed, that the word Printed Declarations was in the Letter to the Lord* Lanerick, *which they cauſed to be read. After this they propounded this Queſtion, In what quality the Lords of their own Nation ſate there. Where-*

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upon after private conſultation amongſt our ſelves, we declared, that we being nominated as Commiſſioners, humbly ſignified unto your Majeſty, that we being meer ſtrangers to the Laws and Conſtitutions of Scotland, *deſired the aſſiſtance and information of ſome ſuch as your Majeſty knew to be well verſed in thoſe affairs. So that in the matter it ſelf, it was upon our humble requeſt; but for the perſons they were nominated by your Majeſty, ſuch as your Majeſty held fit and beſt inſtructed in the Laws and Conſtitutions of that Kingdom. Whereupon the Lord* Lowdon, *in the name of the reſt ſaid, that they were limited by their Commiſſion to Treat with ſuch Lords as in your Majeſties name were ſignified unto them by the Earl of* Lanerick's *Letter to be Deputed to Treat with them and with no other. Whereupon deſiring that there might be no miſunderſtanding, we intreated them to ſet down in Writing the contents of their Inſtructions in this particular. Which they did accordingly: and herewith we ſend it your Majeſty incloſed. Hereupon having debated amongſt our ſelves, and finding it neceſſary according to our duties to hold our ſelves preciſely to your Majeſties Inſtructions, and it appearing doubtful unto us, whether we might proceed without ſuch Aſſiſtants as your Majeſty hath aſſigned unto us by your Inſtructions under your hand, we held it fit to have recourſe unto your Majeſty therein to receive ſuch further inſtructions as your Majeſty in your Princely wiſdom ſhall be pleaſed to give us, which we ſhall not fail to purſue with all the Loyalty and Affection as your Majeſty may juſtly expect from*

Rippon Octob. 2.
1 6 4 0.

Your Majeſties moſt humble and obedient Subjects.

SInce the writing of this Letter, the Commiſſioners of Scotland *deſired a meeting, although we had ſent to diſcharge it, until we had heard from your Majeſty. They have made ſome propoſitions to us, and have promiſed to deliver them unto us in writing. But fearing leſt we ſhould retard this diſpatch too long, we have ſent it away, and within few hours do hope to ſend unto your Majeſty what hath ſince occurred.*

The *Engliſh* Commiſſioners at the Treaty at *Rippon* made choice of Mr. *Fran. Palmes* a younger Son to Sir *Guy Palmes* to carry the Letter above mentioned to his Majeſty.

The KING's Letter to the Lords concerning the *Scots* Demands.

The King's Anſwer to the Lords.

RIght Truſty and Right Well beloved Couſins, and Councellours of our great Council now Aſſembled, We perceive by your Letter of the ſecond of this month, That the Commiſſioners of Scotland *alledge, they are not warranted to Treat but with the Noblemen named by us with the advice of the Peers, for which cauſe beſides the exception they are warranted to make againſt the Earl of* Traquaire, *they decline him and conceive that by the Warrant granted them in our Letter and Commiſſion none are to aſſiſt at the Treaty, but the Noblemen expreſſed in our Letter. This we have*

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have imparted to ſuch of our great Council as are left here, and by their Unanimous Advice we return this anſwer, That the Earl of Traquaire, *and the reſt, with the advice of our Peers appointed to aſſiſt you, were not any way authorized to conferr or Treat with the Commiſſioners of* Scotland, *nor to have any voice or vote in the debating or concluding any thing, but only to give you a right underſtanding of ſuch things as you could not otherwiſe be enabled to Treat of or debate, in regard of your being ſtrangers not only to the Laws and Cuſtomes of the Kingdom of* Scotland, *but altogether unacquainted in the paſſages of the Aſſembly and Parliament, without knowledge whereof the matters in difference cannot be ſo well cleared; And therefore by the advice of the Peers here Aſſembled, we hold it very reaſonable that the Earl of* Traquaire *ſhould be preſent, to whom all things that will require Debate are beſt known, and that you ſhould preſs them to admit thereof, giving this and ſuch other reaſons for it as you ſhall think fit.*

Nevertheleſs becauſe we are willing the Treaty ſhould go on with as little loſs of time as may be, We have by like Advice of our Peers, and to the intent we may the better diſcern what need there will be of ſuch Aſſiſtants, thought fit to give you this Direction, in caſe they refuſe, that then without Aſſiſtants you ſhould preſs the Commiſſioners of Scotland *to give you a particular of all their Demands under their hands, and eſpecially what they do expect for their loſſes which they pretend they have ſuſtained; And for maintenance of their Army during the Treaty, or how they Intend or would Adviſe how it ſhould be raiſed and ſatisfied unto them, of which you are to make report to us.*

For the ſafe-conduct which they deſire for ſuch only as ſhall be ſent to the Treaty from the Commiſſioners of the Scottiſh *Parliament, and for all ſuch as ſhall be ſent from the Commiſſioners unto them, or from them to the Commiſſioners upon all occaſions, with the freedom of the Poſt for carrying of all the Letters to and from* Edenburgh, *We are graciouſly pleaſed to grant the ſame during the time of all the Treaty.* Touching the Trade *or free* Commerce *of Importing and Exporting of Commodities, when the buſineſs is a little further admitted, we ſhall the better reſolve what anſwer to give therein as a thing more proper to the Concluſion than for the beginning of a Treaty.*

For the ceſſation of Arms you have our Inſtructions already, whereby we and our Council are of opinion that the Disbanding of both Armies were much better than a Ceſſation, which therefore we would have you propound and endeavour with them, and ſo we bid you heartily farewel.

York Octob. 3.
1640.

ON *Wedneſday* the ſeventh of *October* his Majeſty with the Advice of his Peers ordered to Transfer the Treaty from *Rippon* to the City of *York*, and Letters to that effect were ſent to the Lords Commiſſioners of *England*, and they were to certifie thoſe of *Scotland* thereof with the Reaſons, as firſt the want of Health in that place, ſecondly that it will be a means to expedite the Treaty by bringing it nearer to his Majeſty.

The

An. 1640.

The Contents of this Letter was delivered by the Lord's Commiſſioners to the Scotch *Commiſſioners at* Rippon, October 8. 1640.

The King reſolves to transferr the Treaty from *Rippon* to *York*.

'THat his Majeſty in regard of the unhealthfulneſs of this place, 'and for the expediting of this Treaty, hath been induced to this 'Reſolution, That the Treaty be transferred from *Rippon* to *York*. 'His Majeſty alſo expects that the *Scottiſh* Commiſſioners ſhould 'ſend preſently for order to come thither; and that they procure 'abſolute and full power to conclude as well as to Treat, and that 'they ſhall find the like power there: and to this end his Majeſty 'hath ſent ſuch ſafe-conduct as they can deſire.

RIPPON, Octob. 8. 1640.

The anſwer of the *Scotch* Commiſſioners hereupon.

THE *Scottiſh* Commiſſioners being made acquainted with his Majeſties purpoſe herein, expreſſed their minds fully and largely concerning that matter in theſe words:

'NOthing is ſo greatly deſired of us and thoſe that ſent us, as 'that this Treaty may begin timely and end happily; this mo- 'ved us in our laſt Propoſition to deſire to know what your Lord- 'ſhips did conceive to be a competency for the maintenance of our 'Army? and now his Majeſty being acquainted therewith, we de- 'ſire to know his Majeſties mind, that the Army being provided for 'in a competent manner, and ſo much being made known to thoſe 'that ſent us (according to the Inſtructions we have received from 'them, who make the maintenance of the Army previous to the 'Treaty) we may with all diligence ſhew them his Majeſties plea- 'ſure, concerning the change of the place, and new power to us 'granted for concluding; and as we are warranted to give this An- 'ſwer, ſo ſhall we not conceal our own thoughts about all this mat- 'ter of the maintenance of the Army, and altering of the Treaty to '*York*, and enlarging of our power.

'1. It is univerſally known that our Army was ſtayed in their 'march by his Majeſties ſpecial command, without which they 'might before this time, either have been better provided or further 'advanced in their Petition and intention, and that in hope of Proviſi- 'on to be made this way, they are kept from taking ſuch wayes and 'uſing ſuch means as might ſerve for their neceſſary maintenance, 'which yet are not to lay any burden on the Nation, or good people 'of *England*; (whoſe Weal and Happineſs we do ſeek as our own, and 'with whom we have determined, as we have declared, to ſtand 'and fall) but our meaning is, that neceſſary allowance being de- 'nyed to our Army, we take our ſelves to the Papiſts and Pre- 'lates with their Adherents our profeſſed Enemies, and the unhappy

'Inſtrum ents

16 *Caroli.*

'Inſtruments of all our trouble, Charges and hazard, theſe years 'by-paſt, who therefore in all equity ought to ſuffer in the ſame 'kind.

'2. We cannot conceal what danger may be apprehended in our 'going to *York*, and ſurrendring our ſelves and others who may be 'joyned with us, into the hands of an Army commanded by the 'Lieutenant of *Ireland*, againſt whom as a chief Incendiary (ac- 'cording to our Demands, which are the Subject of the Treaty it 'ſelf) we intend to inſiſt as is expreſſed in our Remonſtrance and 'Declaration, who hath in the Parliament of *Ireland* proceeded 'againſt us as Traitors and Rebels, (the beſt Titles his Lordſhip in 'his common talk doth honour us with,) whoſe Commiſſion is to 'ſubdue and deſtroy us, and who by all means and upon all occaſi- 'ons deſireth the breaking up of the Treaty of peace; the Army 'being commanded alſo by divers Papiſts, who conceive our pacifi- 'cation to be their ruine and diſſolution; and when there be divers 'Godleſs perſons doing the worſt office about his Majeſty, and wait- 'ing the occaſion of expreſſing their malice and revenge againſt us, 'and their own Nation.

'3. The whole power of the Committee of Parliament cannot 'be tranſmitted unto us, and the want of power neither hath been, 'nor needed it to be any hinderance to the ſpeedy progreſs and 'peaceable concluſion of the Treaty, ſince we have already in the 'beginning of the Conference ſhewed your Lordſhips what is the 'ſubject and ſubſtance of all our Demands.

The iſſue was, that his Majeſty altered his former Reſolution, and the Treaty was continued at *Rippon*.

The Treaty continued at *Rippon*.

Edward Lord *Herbert*, commonly called the black Lord *Herbert*, unſatisfied with the *Scots* demands of 40000 l. *per menſem*, upon the hearing thereof, firſt adviſed the King to fortifie *York*, and ſecondly diſſwaded his Majeſty from yielding to that demand, and he alleadged his reaſons for both, *&c.* Touching his firſt Propoſition he ſaid;

The Lord *Herbert*'s advice to the King.

'1. Firſt, That *Newcaſtle* being taken, it is neceſſary to fortifie '*York*, there being no other conſiderable place betwixt the *Scots* and '*London*, which might detain their Army from advancing forwards.

'2. Secondly, That reaſon of State having admitted Fortification 'of our moſt Inland Towns againſt Weapons uſed in former times, 'it may as well admit Fortification againſt the Weapons uſed in theſe 'times.

3. Thirdly, That Towns have been obſerved alwayes averſe to 'Wars and Tumults, as ſubſiſting by the peaceable wayes of Trade 'and Traffick. Inſomuch that when either great perſons for their 'private Intereſts, or the Commons for their Grievances, have taken 'Armes, Townſmen have been noted ever to continue in their ac- 'cuſtomed Loyalty and Devotion.

'4. Fourthly,

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'4. Fourthly, That this agreeth with the cuſtome of all other 'Countreys, there being no Town of the greatneſs of *York* any where 'I know in Chriſtendom that hath not his Baſtions and Bulwarks.

'As for the Charges, the Townſmen of *York* might undertake 'that by his Majeſties permiſſion; For ſince it is a Maxim of War, 'that every Town may Fortifie its circumference within the ſpace of 'two months, the expences cannot be great,

'And for the manner of doing it, nothing elſe is needful, but that 'at the diſtance of every five and twenty ſcore Paces round about the 'Town, the Walls ſhould be thrown down, and certain Baſtions or 'Bulwarks of Earth be erected by the advice of ſome good Engineer.

'For the performing whereof every Townſman might give his 'helping hand, digging and caſting up earth only, where the ſaid 'Engineer (according to a Line given) ſhould appoint. And for 'Ordnance, Ammunition and a Magazin, the Townſmen likewiſe 'for their Security might be at the Charges thereof in theſe dangerous 'times; It being better to imploy ſome money ſo to prevent the ta-'king of the Town, than to run the hazard of being in that eſtate 'in which *Newcaſtle* men now are. I could add ſomething con-'cerning an ancient Law or Cuſtome called *Murage*, by which mo-'ney was raiſed for Fortifying of Inland Towns. But becauſe I 'know not of what validity this Law or Cuſtome is at this time, I 'ſhall referr the further Conſideration thereof to the learned in our 'Antiquities.

'I will conclude therefore, with your Majeſties good, favour for 'the Fortifying of *York*, as aſſuring my ſelf that if for want of Forti-'fication it fall into the *Scotchmens* hands, they will quickly Fortifie 'it as they have already done *Newcaſtle*.

His Lordſhip further ſpake concerning the ſecond Particular.

'1. Firſt, That Treaties are like thin aiery things, and have no 'real being in themſelves, but in the Imaginations of thoſe who 'projected them, and might quickly diſſolve and come to nothing; 'And to give ſo great a ſumm of Money for the Treating only of a 'peace, might be loſs both of the money, time, and many advan-'tages.

'2. Secondly, That he never read that ever Prince bought a 'Treaty of his Subjects at ſo dear a rate; but it is true, that Princes 'have bought Peace at a great price of their Subjects, and that they 'have thought it a good purchaſe, and found means at laſt to bring 'them to Reaſon.

'3. Thirdly, That it would reflect upon the Honour of his Ma-'jeſty abroad, when Foraign Nations ſhould hear of ſuch an affront 'given to his Majeſty and this Kingdom, that he could not find 'means to come to a Treaty with his Subjects for a peace, but by 'giving that money to defray the Charges of their Army, which 'ſhould pay his.

'4. Fourthly, It is probable that the Citizens of *London*, when 'they ſhould hear that any of their money was imployed that way, 'would detain the reſt in their hands for defending themſelves.

'5. Fifthly, If his Majeſty would try whether they meant really a 'Treaty or Invaſion, the Commiſſioners ſhould move for disbanding

'the

'the Armies on both ſides, all things elſe remaining in the ſtate they 'now are, until the Treaty were ended; Howſoever the 40000 l. 'monthly ſhould be kept rather for paying the Kings Army, and re- 'inforcing it (if need were) than any other way whatſoever. 16 Caroli.

THE Treaty produced little or no effect till the 16th of *October*, on which day theſe Articles were agreed upon for the maintenance of the *Scots* Army. *Octob.* 16. 1640. Articles agreed on for the maintenance of the *Scots* Army.

1. Firſt, *That the* Scotch *Army now lying in the Counties of* Northumberland, *Biſhoprick of* Durham, *and Town of* Newcaſtle, *ſhall have for a competent maintenance the ſumm of* 850 l. per diem, *being the ſumm before agreed on by the Counties; and that the payment thereof ſhall begin upon the* 16th *of* October, *and to continue for two Months, in caſe the Treaty ſhall ſo long laſt; which payment to be made weekly upon the* Friday *of every Week, the firſt* Friday *being the twenty third day to be for the payment of the Week paſt.*

2. *The dayes of the returning of the Army to be numbred, within the dayes of the allowed maintenance.*

3. *That the* Scotch *Army ſhall content themſelves with the aforeſaid maintenance, and ſhall neither moleſt Papiſts, Prelates, nor their Adherents, nor any other perſons of whatſoever quality, during the time of payment, but ſhall keep themſelves free of all other Taxes and Plundrings not only during their abode, but in their returns, and ſuch ſecurity as is uſual ſhall be given for the performance of the ſame, and this to be ordered upon the condition of the Treaty.*

4. *That the Inhabitants of the ſaid Counties ſhall alſo have liberty, to return peaceably to their own dwellings, and ſhall be refuſed no Courteſie, it being alwayes preſuppoſed that the fit Lodging of their Army ſhall be allowed.*

5. *That the Army be furniſhed with Coals in a Regular way, and not at the pleaſure of the Souldiers, which is eſpecially recommended to the care of the* Scotch *Commiſſioners.*

6. *That there be a proviſion of Forrage at the prices to be ſet down in a Table, which muſt alſo contain the particular prices of all ſort of Victuals, and other neceſſaries for the Army, to be indifferently agreed upon by perſons nominated on both ſides.*

7. *That the Sea-Ports be opened, and there be free Trade and Commerce by Sea and Land, as in the time of peace; with this Proviſo, that with the Victuals no Armes nor Ammunition be imported into* Newcaſtle, *or any Harbour of* England, *and this Free Trade and Commerce to be preſently intimated, and not to be interrupted, but upon the warning of three Months, that there may be a ſufficient time allowed for Ships to return, and for the diſpoſing of their Commodities.*

8. *That Victuals and other Neceſſaries for the Army, be free of Cuſtome; And that his Majeſties Cuſtome of Coals, and other Ware be left free to be levyed by his own Officers.*

9. *That all reſtraints be removed, and that there be a freedom to furniſh neceſſaries for both Armies, in ſuch ſort as is agreed on by the Articles, and liberty be granted for Milling, Brewing, Baking, and other things of that kind.*

10. *That the Arrears be compleatly paid to* Octob. 16. *and that ſuch rents as are anticipate, and not yet due, be allowed in the Arrears.*

*An.*1640.

11. *That there be a Ceſſation of Armes according to the particulars to be agreed upon.*

12. *As for ſecuring the ſumm of* 850 l. per diem *above ſpecified, there is a Committee appointed by the Great Council of the Peers, who have power to Treat with* Northumberland, *the Biſhoprick of* Durham, Newcaſtle, *and (if need require) with other adjacent Counties, that there may be a real performance of what is agreed on by us: And for that we find many Difficulties of raiſing the Contribution out of the Counties of* Northumberland, *the* Biſhoprick, *and Town of* Newcaſtle, *we have thought fit and neceſſary to add unto them the Counties of* Cumberland *and* Weſtmerland, *to aſſiſt towards the ſaid Contribution according to their abilities.*

13. *And further, the Lords will before their going from* York *ſettle a Committee who ſhall have charge to ſee the Contribution orderly raiſed and paid; and that there ſhall likewiſe be a Committee nominated of the Lords Commiſſioners, to whom either the* Scotch *Commiſſioners may addreſs, or the Committees of the Countrey may Weekly give an Accompt of the carriage of the buſineſs. And that from thence there may further Order be given for the due performance of that which is promiſed. Signed*

Bedford.
Briſtol.
Holland.
Berkſhire.
Ed. Mandevile.
Ph. Wharton.
Ro. Brook.
J. Paulet.
Ed. Howard.
Fr. Dunſemore.

Dumfermling.
Lowdon.
Patrick Hepburne.
W. Douglaſs.
J. Smith.
William Wedderbourn.
Alex. Henderſon.
Willam Johnſton.

The Committee appointed by the Eſtates of Parliament Reſident at *Newcaſtle* approves the within and above-written Articles.

Rothes.
Lowthian.
Balmerino.
Napier.

William Riccarton.
Tho. Hope.
Gibſon Dury.
J. Sword.

The *Scottiſh* Commiſſioners were not ſatisfied with the Security tendred them for the Raiſing of the ſaid Proviſion, which they expreſſed in the enſuing Paper to the *Engliſh* Lords, who imparted it to his Majeſty.

A Paper of the *Scotch* Commiſſioners to the *Engliſh* Lords about the Security for raiſing their Proviſion.

WE make no queſtion of the abilities of the prime Gentlemen of the County, and will not doubt but your Lordſhips have made them willing; Yet now after the delayes of ſo many dayes, from the firſt to the 19th of this *Month*, and after the ſo often acknowledged neceſſity of the orderly proviſion of Maintenance, during the time of the Treaty, and our confident expectation thereof, We are ſorry that your Lordſhips have not (according to the profeſſion

profeſſion of the Will and power of thoſe Gentlemen) given unto us a real ſecurity, that we might have entred with your Lordſhips upon the Treaty, but that the performance of the Security is ſtill ſuſpended. 16 *Caroli.*

Divers other demands, as Free Trade by Sea and Land, and other particulars contained in our laſt Papers, the ſatisfaction whereof was alſo neceſſary before the Treaty, are not at all touched by your Lordſhips in your Anſwer.

Concerning the Diminution of the Army propounded by your Lordſhips, we have received no Inſtructions, neither ſhall it be neceſſary upon the reaſons expreſſed, becauſe competent Maintenance being ſecured, and the Seas opened, the Army we truſt ſhall be eaſily kept in order; And for removing Jealouſies and Doubts, we have made large Declarations, and given real proofs, wiſhing in like manner that no cauſe of ſuſpicion be given unto us by ſuch Propoſitions, ſeconding the bitter Speeches of ſome Incendiaries who Command in his Majeſties Army.

We therefore earneſtly intreat your Lordſhips to let us know at laſt what may be expected, at what time the promiſed Security ſhall be performed, and our previous demands ſatisfied, that we may have ſome certainty to ſhew to thoſe who ſent us, and who upon your Lordſhips Declaration do wait for it from us, and that we may proceed to the Treaty.

In concluſion that difference was accorded.

Remembrances *for the* Engliſh Lords Commiſſioners, *to put them in mind of ſuch things as have fallen in debate* about the demands of the *Scots*, *for the maintenance of their Army during the Treaty.*

Remembrances for the *Engliſh* Commiſſioners.

'1. THE firſt thing they are to endeavour is a *preſent Ceſſa-*
'*tion of Armes.*

'2. They are by all honourable, ſafe and convenient means to find 'out ſome wayes for the relieving the Counties of *Northumberland* 'and Biſhoprick of *Durham* from the hard condition in which they 'now are.

'3. For the better effecting whereof, they are to conſider how '*Barwick* and *Carliſle* may be victualled out of *Scotland*, and the Ar-'my at *Newcaſtle* in proportion, if victualled out of *England*.

'4. They are alſo for this purpoſe to take into conſideration the 'opening of a free paſſage and Trade between *Scotland* and *Newcaſtle* 'by *Land* and *Sea*, whereby the Army there may be better Victual-'led from *Scotland*.

'5. If beſides the former means, there be urgent neceſſity, they 'are to take into conſideration, what other adjacent *Counties* ſhall Con-'tribute, in what proportion, and in what manner.

'6. They are to remember the great detriment his Majeſty hath 'ſuſtained in his Revenue, by hindring the trade of *Coals*, to make 'what uſe they can thereof by leſſening the Contribution.

An. 1640.

'7. They are to take into Conſideration the Leſſening of both 'Armies.

'8. They are to take further care, that upon the leſſening or diſ-'banding the Armies, or otherwiſe there be no plundring of the 'Countrey, and that ſecurity be given for that purpoſe.

'9. They are by all poſſible means, to haſten the *Treaty*, and that 'there be no unneceſſary delay therein.

'10. For the better Encouragement of ſuch Counties as their 'Lordſhips ſhall think fit to move to a *Contribution*, they are to de-'clare unto them, That his Majeſty and the Lords of the Great Coun-'cil will recommend to the *Parliament*, as well the great Loſſes they 'have ſuſtained, as the charge they have or ſhall be at for the good 'and ſafety of the reſt of the Kingdom.

Theſe Remembrances not to be Concluding, but any other way to be taken that the Commiſſioners ſhall think fit.

The Lords Anſwer *to the* Scots *concerning the Maintenance of their Army.*

The *Engliſh* Commiſſioners Anſwer to the *Scots* concerning the maintenance of their Army.

'FIrſt, Concerning the 850 *l. per diem*, we find it to be the ut-'moſt the Countrey can bear; And it is a Contribution fit for an 'Army only for ſafety and ſecurity, eſpecially where any other means 'by leſſening the King's Army or otherwiſe, is offered to remove all 'doubts and jealouſies, ſo that you may make your Army ſuitable to 'the means of maintaining it: beſides to give any greater allowance 'whereby a greater Army ſhall be ſuſtained, will cauſe a greater *di-'ſtruſt* and apprehenſion in the whole Kingdom of *England*, and there-'fore we do adhere to our former propoſition.

'As for allowance of *Coals* or Forrage, if any thing be left to the 'Soldiers diſcretion were to leave things to great uncertainty and oc-'caſions of difference, but for money at reaſonable prices agreed up-'on, the Army is to be provided.

'Concerning the day of payment to be the *firſt of October*, we have 'already endeavoured to ſettle with the Counties for the payment 'of *two months*, from the 16th of *October*, and it would overthrow 'our former endeavours.

'Further, it is to be conceived no way prejudicial to the *Scotch* 'Army, ſince the ſame ſumm of 850 *l. per diem*, is to be made good 'unto them upon the *arrears*, even unto this day. For the opening 'of the Ports, his Majeſty is pleaſed to give way unto it, it being al-'wayes to be underſtood that no Armes or Ammunition be im-'ported.

'As for the dayes of returning the Army it is to be numbred within 'the dayes of Contribution; it is fit that the ſecurity of payment be 'ſettled in all particulars.

'Whereas your Lordſhips propounded as a competency for the 'maintenance of an Army 30000 l. *per menſem* at 30 dayes the 'month, we leave unto your Lordſhips as a fitting competency, as 'we conceive, the continuance of thoſe *contributions*, which have been 'formerly ſettled by the County of *Northumberland* and the Bi-

'ſhoprick

'ſhopriek of *Durham*, and the Town of *Newcaſtle*, amounting to the 'ſumm of 850. l. *per diem*, but ſo as for the raiſing of the ſaid ſumm 'of the Biſhoprick, *Dean* and *Chapter*, *Clergie* and *Papiſts*, ſhall be no 'otherwiſe Charged or Taxed, but by the ordinary way of Levying of 'the ſaid Contribution; and that the ſaid *Scotch* Army in reſpect of 'the ſaid 850 l. *per diem*, forbear to take any exaction, tax, Proviſion or '*Forrage* whatſoever from the ſaid Counties, or any other place; as like-'wiſe leave Free to his *Majeſty* and all other the Cuſtomes of Coals, and 'all other, the true meaning being that for all pretences and demands 'whatſoever, the ſaid *Scotch* Army ſhall be fully ſatisfied, with the 'payment of the ſaid 850 l. *per diem*, and that the *Biſhop* and other '*Clergy* men, and all other inhabitants of the *Biſhoprick* and *Northum-'berland*, return unto their dwellings, and to enjoy their own, without 'any moleſtation; and in regard of the ſaid Contributions paid by 'theſe Counties, the ſaid *Scottiſh* Army is to give ſecurity, that both 'whileſt they ſtay, and likewiſe when they ſhall disband or march 'back with their Army, they ſhall keep and ſave the ſaid Counties 'from all ſpoil and plundering, and that upon ſettling and perfecting 'the payment and contribution, there be preſently declared on both 'ſides *ceſſation of Armes* and certain limits and bounds, which neither 'ſide ſhall paſs in hoſtile manner; and for ſecuring of the ſaid pay-'ments all reaſonable ſatisfaction ſhall be given them, and the ſaid 'payments to begin from the 16th of *October*, 1640. and to conti-'nue for the ſpace of *two months*, if the Treaty ſhall ſo long laſt, and 'be paid weekly *paratâ*; and ſo ſoon as this accommodation for the 'maintenance of the *Scotch* Army, ſhall be ſettled and ſigned by the 'Commiſſioners on both ſides, there ſhall be a preſent Entry upon 'the *Treaty*.

16 *Caroli.*

The Scots Reply *to the* Lords Anſwer, *Concerning the* Maintenance of the Army.

'AS with all due reſpect we acknowledge the benefit of the 'condeſcending to the Maintenance of our Army, are glad that 'your Lordſhips have begun to think on the competency, we repreſent 'that neither the 850 l. *per diem* which thoſe Countreys were moved 'to grant, nor the Thirty thouſand pounds moved by us, were con-'ceived by us to be a full maintenance, the one being ſo much as we 'could with the conſent of the Countrey obtain, and the other join-'ed with all other ſupplies that can be made by our ſelves being 'reckoned, is not a competency, and therefore left contrary to our 'hopes, the Army be put on worſe condition than before the Treaty, 'we deſire your Lordſhips to conſider that beſides the 850 *l. per diem*, 'they had the time paſt the benefit of the Cuſtomes and proviſion of '*Coals*, and of ſuch proportion of *Forrage*; We indeed deſire that 'his Majeſties Cuſtomes may be left free, but we hope your Lord-'ſhips will think on ſome ſupply of that want, and will alſo provide 'that the Army be ſtill furniſhed with *Coals* and other neceſſary *For-'rage*. We do not deny the difference to be wide between the for-'mer Loan and allowed maintenance, but touching the point of *pre-'ſent* proviſion of the *Army*, which in caſe of neceſſity is principally and

The *Scots* Reply.

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'and above all conſiderations to be looked into by us, the inequality 'betwixt that which we had, and which is now allowed, is very con- 'ſiderable; when competency ſhall be condeſcended unto, we ſhall 'content our ſelves therewith, and neither moleſt *Papiſts*, or *Prelates* 'or their adherents, during the time of the payment of the mainte- 'nance; and as it was grievous unto us, that the *inhabitants* of *Newcaſtle* 'or any other whatſoever ſhould have left their dwellings, ſo ſhall we 'be glad of their *return*, and will refuſe them no kindneſs or courte- 'ſies, which can ſtand with the accommodation of the Army; we 'alſo promiſe what ſecurity is uſual in like caſes, that during the 'aboad of the Army, and in their return, none of theſe Counties 'ſhall be plundered or ſpoiled, but ſo far as is poſſible, be ſaved from 'all harm and damage; and withal it is ſuppoſed, that the dayes of 'our return be numbred within the compaſs of the time of our al- 'lowed maintenance; concerning the Ceſſation of Armes, and the 'limits of both Armies, we heartily agree unto both.

'It is declared that the ſecurity of payment promiſed by your 'Lordſhips be condeſcended in all particulars, that the payment of the 'maintenance to be agreed upon, begin the *firſt of October* and continue 'during the Treaty, until our peace be ſecured by Parliament; and 'that the ſaid payment be made *weekly*; that all arrearages which are 'reſting unpaid, preceding the firſt of *October* of the allowed main- 'tenance, be agreed upon.

'That there be free trade by *Sea* and *Land* as in time of peace, and 'that Victuals and other neceſſaries for the Army be free of Cuſtome, 'that all reſtraints be moved and the Subjects of the Countrey made 'free to furniſh us with neceſſaries for our Army, and alſo all ſorts of 'Commerce allowed and liberties granted of *milling*, *brewing*, *baking* 'and other things of that kind.

'That the outrage or eruption of any *Souldier* be not accounted a '*breach* of the Ceſſation, but that the Loſſes be repaired and the de- 'linquent puniſhed.

'So ſoon as the maintenance ſhall be ſettled and ſecured, we ſhall 'be moſt willing to enter upon the Treaty it ſelf.

'Our conſtant deſires againſt all ſuſpicions and jealouſies, to obtain 'our own *demands*, and to have a firm and well-grounded *peace* con- 'cluded. And for the end the *Treaty* may be continued, and our 'hopes of ſupply by opening of the *Sea-Ports* and freedom of Trade 'by Sea and Land, doth ſo far prevail with us, that we reſolve ra- 'ther to burthen our ſelves with a great part of the maintenance, 'and to accept of the 850 *l. per diem*, than that the Treaty ſhould be 'broken up, and the dangerous conſequences to both Kingdoms 'ſhould follow, which we earneſtly deſire for our parts to prevent.

'Although the beginning of the payment the firſt of *October*, hath 'been ſtill preſſed and expected by us, and transferring thereof to the '16th of *October*, importeth no ſmall prejudice; yet left in any point 'we ſhould croſs your Lordſhips Laudable endeavours already taken 'for the ſetling of the payment of the Biruns, and ſufficient ſecurity 'for afterwards, we receive alſo the conditions.

'And as we deſire there be no need of new Armes and Ammuniti- 'on, ſo do we not crave liberty that any ſhould be imported during the 'the Treaty; in this point we are ſatisfied with the liberties of Trade 'and Commerce by Sea and Land, as in the time of peace, which

'may

16 *Caroli.*

'may be profitable to both Kingdoms, and prejudicial to neither 'of us.

'Since both desire and have accorded, that the *Security* be setled in the particulars, and signed before we entred upon the demands, it were fit we should now agree upon all the particulars of the security that there be no more question about it.

'We desire also your Lordships answer to such particulars as is 'expressed in our payment given in yester-night, which are not 'yet answered; and that the point of *Cessation*, the Limits to be of-'fered to both Armies, and the matter of *Coal and Forrage* may be 'made so plain and clear, that there be no misunderstanding.

Rippon, Octob. 17. 1640.

A Letter to the Gentlemen and Free-holders of the County of Northumberland *for their relief.*

Octob. 19. 1640. A Letter to the Gentlemen and Free-holders of *Northumberland.*

After our hearty Commendations unto you, His Majesty and the Great Council of Peers now assembled, much commiserating the great Losses which your County hath sustained by the Scottish *Army, and the utter plundering thereof which would in all probability follow, unless some present Remedy be taken for preventing of the same, commended it to the care of the Lord Commissioners remaining at* Rippon, *that some course might be taken for your Relief; who finding no other better way, thought fit, That all you of the said County should continue your former Contributions of Three Hundred Pounds* per diem; *which if you shall cheerfully and readily do, the said Lords will so agree with the* Scottish *Commissioners, that you may be free in your Persons, and safe in your Estates, during the continuance of that Contribution. And you shall likewise be recommended by his Majesty and this Great Council to the now approaching Parliament, that you may have Reparation made you, not only for such Contributions as now you shall agree unto, but for your former Contributions, and other losses sustained by you from the* Scottish *Army. And since the Gentlemen here attending this Business for your County, would not conclude you without your own Consents, We have thought fit, to let you receive from them the Advice and Direction of this Great Council, which for your own good and safety, We recommend unto you, and wish you to listen unto, that greater inconveniencies fall not upon you. And so We bid you heartily farewell, and rest*

Your loving friends,

York, October 19. 1640.

J. Finch, Matrevers,
Strange, Clifford.
Mowbray,

About the same time the Lords of the Great Council at *York* sent another Letter to the Lord Mayor, Aldermen and Communalty of the City of *London, viz.*

An. 1640.

A second Letter to the Lord Mayor of *London*, Octob. 19.

York, Octob. 19 A second Letter to the Lord Mayor of *London*.

After our hearty Commendations to your Lordship and the rest; By our Letters of the twenty fifth of September *last, and by those Lords which were the Bearers of them, We made known unto you, in what condition the Countie of* Northumberland *and the Bishoprick of* Durham *stood, and how much it concerned the adjacent Counties, and in consequence the whole Kingdom, that his Majesty should continue his Forces together, till by the happy success of the present Treaty, or the great Wisdom of the Parliament, some course might be taken for a firm Peace or just War: Being satisfied that his Majesty was altogether unprovided of Money, for keeping of his Forces together, till the Parliament might have time to settle a Course therein agreeable to their Wisdoms. And having all resolved, That it was necessary for his Majesty to be supplyed with the summ of* Two Hundred Thousand Pounds, *as well for continuing his Forces together, as for orderly dismissing of them, when it should be fit so to do; We made it our hearty and affectionate request unto you, that you would not at this time be wanting to assist his Majesty, and oblige the whole Kingdom by lending that summ: for which we then offered (as we still do, and shall be ever ready to perform) to joyn with his Majesty in any such Security, as should be agreed upon by those Lords and your selves. We then gave you our Reasons and Opinions, how much it imported the publick preservation both of King and Kingdom, assuring our selves, that the consideration thereof, with your own affections and love of the publick, would incline you, to lend willing ears to our Requests, wherein we find we have not been deceived; your cheerfulness and forwardness herein, having been represented unto us by those Lords that came unto you from this* Great Council, *for which we give your Lordship and the whole City very hearty thanks; his Majesty making every day his Grace and Goodness so appear unto us, that we cannot but take infinite comfort in the knowledge and confidence of his gracious Resolutions, of which we doubt not, but you and the whole Kingdom will very quickly find the comfortable and happy effects. We are now in a hopeful way of making this Treaty successful to the Content of both Kingdoms. But in affairs of so great weight and importance, time and mature deliberation are requisite, lest by precipitate Counsels, the danger might be increased, instead of being prevented: so as we cannot yet find any reason, to advise the disbanding his Majesties Forces; especially since by the Wisdom of the Lords Commissioners deputed by his Majesty and this* Great Council *to treat with those of* Scotland, *care is taken for relieving the Counties of* Northumberland *and the Bishoprick of* Durham, *by a Contribution to the* Scots *Army, during the Treaty; that so by a present Cessation of Arms, those greater Inconveniencies may be avoided, which otherwise would light upon his Majesties Subjects in those parts. And as the keeping together of his Majesties Forces till those of* Scotland *disband, cannot but facilitate and advance the Treaty; so it were dishonourable and unsafe, that his Majesties Army should not in the mean time be well provided for: therefore we once again earnestly and heartily pray you, as you tender the publick good and safety, to make all possible speed in supplying his Majesty presently with the remainder of the* Two Hundred Thousand Pounds, *that it be not useless to his Majesty and the Kingdom, by the too late furnishing of it. For should his Majesty*

jeſty for lack of means to pay his Army, be inforced to diſſolve it, the whole Kingdom would be in apparent and eminent danger. The care of preventing this publick Danger, wherein we are all ſo deeply concerned, hath been the Cauſe of theſe our ſecond Letters, that you might truly underſtand the neceſſity of your ſpeedy aid and aſſiſtance. By thoſe Lords which we ſent unto you with our firſt Letters, we gave you notice of thoſe dayes of payment, which his Majeſties Occaſions did require, which were the 12th of this Month for Fifty Thouſand Pounds, the 15th of November for One Hundred Thouſand Pounds, and the firſt of December for the laſt Fifty Thouſand Pounds. And upon conſideration of the State of his Majeſties Army, we plainly foreſee, That if you ſhould fail his Majeſty, and our very earneſt deſires herein, it would be impoſſible for his Majeſty to hold his Forces together; which we all with one heart earneſtly wiſh and adviſe his Majeſty ſhould do. And cannot but again and again very affectionately commend the ſame to your Loves and Care. And ſo we bid you heartily farewell, and reſt

Your very loving friends.

York, October 19. 1640.

To our very Loving Friends, the Lord Mayor, the Aldermen and Commonalty of the City of *London*.

May it pleaſe your Majeſty,

The Lords Commiſſioners to the King to tranſfer the Treaty to *London*.

WE have thought it fit to give your Majeſty a perfect Account of the Eſtate of your affairs at this preſent, which we conceive will beſt be done, by tranſmitting unto your Majeſty the Papers themſelves, which go herein incloſed; your Majeſty will ſee, that the Scotch Commiſſioners are not fully and finally ſatisfied with the Security which we have been yet able to propound unto them for the raiſing of the Eight Hundred and Fifty Pounds a day, which was the Contribution formerly ſetled by the Countrey with them. But finding that they are very clearly dealt withal, and that all poſſible endeavours are uſed for their ſatisfaction in this point, they think it fit to repreſent the true State of the buſineſs to thoſe of Newcaſtle; and in the interim, although their Inſtructions be, not to enter into the main Treaty, until the Competency for the maintenance of their Army be fully ſecured; yet for the beginning of time, they are contented to enter upon a debate of their Demands, and ſo to prepare them, that they may be in a readineſs for a concluſion when they ſhall receive power; and this day (God willing) we ſhall give a beginning unto that work. But we entring into a due conſideration of the multitude of the Articles to be treated of, and of the intricacy and difficulty of many of them, and likewiſe, that divers of the ſaid Articles cannot be ſettled before the Parliament, the time whereof approacheth ſo faſt, that there will be few dayes left to be employed in the ſetling of this Treaty, before there will be a neceſſity for us to undertake our Journey towards the Parliament, we have holden it our Duties to repreſent this ſtraitneſs of time unto your Majeſty, and with it our moſt humble Opinion, that as you were formerly pleaſed, that this Treaty might have been transferred from Rippon to York; ſo you will be now pleaſed, that it be transferred from hence to London, without breaking or diſſolving of the Treaty; and that you would be pleaſed to give us Power to treat and ſettle the ſaid

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Removal with the Scotch *Commissioners. All which we must humbly submit to your Majesties great Wisdom.*

One thing further we presume to represent unto your Majesty, which is the present opening of the Ports; being a thing as much desired by your Majesties Subjects of England, *as by the* Scots. *And that it is already agreed by the Articles of the Cessation, and likewise assented unto by your Majesty by the Advice of the Peers, that both the Ports and Trade by Sea and Land might be set free upon the first entrance into the Treaty. Many other Reasons there are, especially concerning the Coal, which are represented unto us, both for the benefit of* London *and the whole Kingdom; by which it is made apparent unto us, that much more disadvantage would redound unto your Majesties good Subjects, than to the* Scots, *if any such stop of Trade should be continued. God have your Majesty in his holy keeping.*

Your Majesties most humble and most obedient Subjects.

Rippon, Octob. 21. 1640.

All the Sixteen Commissioners signed this Letter.

To the King most Excellent Majesty.

To this Letter of the Commissioners the King commanded the Lord Keeper to write an Answer as followeth:

The Kings Answer.

My very good Lords,

His Majesty calling this Day the Great Council, *was pleased to acquaint them with* those Papers *your Lordships sent, together with a Letter to his Majesty from your selves. Upon some Debate had, his Majesty and my Lords commanded me to write thus much to your Lordships, that they held it most necessary, that a Cessation of Arms be absolutely concluded and agreed on before his Majesty or your Lordships depart hence. Upon which Cessation, and not before, the Ports to be opened, and free Trade permitted: but not for bringing in of Ammunition to* Newcastle, *as your Lordships may remember, was alwayes insisted upon. Their Lordships are likewise of opinion, that your Lordships should endeavour to procure the* Scottish *Commissioners presently to clear their demands, by delivering the particulars thereof in writing to your Lordships, and explaining them, so as it may be fully understood what it is they expect; and especially in point of Satisfaction for their Costs and Damages. This his Majesty and the Lords believe will be a very easie work, and take but little time, since it is in effect offered by the* Scottish *Commissioners in one of their Papers dated the twentieth of this Month. This done, his Majesty and my Lords will take into consideration, the adjourning the Treaty to* London, *and let your Lordships receive his Majesties pleasure therein. I rest*

Your Lordships most humble and affectionate servant,

York, Octob. 21. 1640.

Jo. Finch, C. S.

To

16 *Caroli.*

To the Lord Keeper, *October* 23.

Our very good Lord,

The Lords Commiſſioners Letter to the Lord Keeper.

WE have received your Lordſhips Letter, and give your Lordſhip many thanks for your Care in giving us ſo ſpeedy an Anſwer; we have now ſent our humble Advice to his Majeſty, that we all conceive it moſt conducing to his Majeſties ſervice, that the Treaty be transferred *to* London: *and do humbly beſeech his Majeſty, that we may receive power and directions to treat and ſettle with the* Scots *all particulars belonging to the ſame. We do intreat your Lordſhip, to afford your Aſſiſtance for the expediting of this Diſpatch; for if it be delayed, we ſhall not well be able to reach* York *to morrow night; which would fall out very prejudicial to us in point of time for our Journey to* London. *Thus we commit your Lordſhip to the protection of the Almighty, and reſt*

Your Lordſhips friends and ſervants.

Rippon, Octob. 23. 1640.

— Signed by all the Lords Commiſſioners.

CHARLES REX.

The Treaty transferred to *London.*

RIght Truſty and right well beloved Couſins and Counſellours of our Great Council, and right Truſty and well beloved Counſellors of our ſaid Great Council, We greet you well. Whereas We have received your unanimous Advice, That it will moſt conduce to Our ſervice, that the preſent Treaty *with our Subjects of* Scotland, *be* transferred from Rippon *to* London, *We are ſo confident as well of your judgements and diſcretions, as of your fidelity to Our ſervice, That we cannot but condeſcend thereunto. And do therefore hereby give you or any Ten or more of you, full power and authority to treat and ſettle with our ſaid Subjects of* Scotland, *all particulars belonging to the ſaid Removal. For which this ſhall be your ſufficient Warrant. Given at our Court at* York *this Three and Twentieth day of* October *in the Sixteenth Year of our Reign.*

THe time of Meeting for the Parliament approaching, his Majeſties Commiſſioners concluded to adjourn the Treaty from *Rippon* to that City, and ſent the Powers and Directions to that purpoſe ſigned with his own hand to the ſaid Lords, by which he impowered any Ten or more of them, to treat and ſettle with his Subjects of *Scotland* all particulars concerning the ſaid Removal: his Majeſty leaving the Circumſtances to their Lordſhips Wiſdoms; only he recommended two things to their Care. Firſt, The ſetling the Ceſſation of Arms: and Secondly, The procuring from the *Scottiſh* Commiſſioners, as full and clear a ſetting forth of their Demands as poſſibly they could.

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IN the mean time his Majeſty did deliberate about the increaſe of his Forces at *Stockton* Caſtle, a place of great importance, ſituate on the River of *Tees* the Border of the *Biſhoprick* and *Yorkſhire*, in regard the *Scots* had brought in more men to *Newcaſtle*, and placed more at *Durham*, than were at the beginning of the Treaty. However to avoid all ſuſpicion and jealouſie, his Majeſty was pleaſed to wave thoſe intentions.

Upon the twentieth of *October* a Ceſſation of Arms was agreed on by both parties upon theſe Articles.

Articles agreed on concerning the Ceſſation of Arms, betwixt the Engliſh *and* Scottiſh *Commiſſioners at* Rippon *the twenty ſixth day of* October 1640.

Ceſſation of Arms agreed on, *Octob.* 26.

'1. THat there be a Ceſſation of Arms both by Sea and Land from this preſent.

'2. That all Acts of Hoſtility do henceforth ceaſe.

'3. That both parties ſhall peaceably retain, during the Treaty, 'whatſoever they poſſeſs at the time of the Ceſſation.

'4. That all ſuch perſons who live in any of his Majeſties Forts 'beyond the River of *Tees*, ſhall not exempt their Lands which lye 'within the Counties of *Northumberland* and the *Biſhopritk* from ſuch 'Contribution, as ſhall be laid upon them for the payment of the '850 *l.* a day.

'5. That none of the Kings Forces upon the other ſide of *Tees*, 'ſhall give any impediment to ſuch Contributions, as are already 'allowed for the Competency of the *Scotch* Army, and ſhall take no 'Victuals out of the bounds, except that which the Inhabitants and 'Owners thereof ſhall bring voluntarily to them: And that any 'reſtraint or detention of Victuals, Cattle and Forrage which ſhall be 'made by the *Scots* within thoſe bounds for their better maintenance, 'ſhall be no breach.

'6. That no Recruits ſhall be brought unto either Army from the 'time of the Ceſſation, and during the Treaty.

'7. That the Contribution of 850 *l.* a day, ſhall be only raiſed 'out of the Counties of *Northumberland*, the *Biſhoprick*, Town of '*Newcaſtle*, *Cumberland* and *Weſtmorland*; and that the not payment 'thereof ſhall be no breach of the Treaty; but the Counties and 'Town ſo failing, it ſhall be left to the *Scotch* power to raiſe the ſame, 'but not to exceed the ſumm agreed upon, unleſs it be for the charges 'of driving to be ſet by the Commiſſioners of the Forrage.

'8. That the River of *Tees* ſhall be the bounds of both Armies, 'excepting alwayes the Town and Caſtle of *Stockton*, and the Vil-'lage of *Eggscliffe*: And that the Counties of *Northumberland* and 'the Biſhoprick of *Durham* be the Limits, within the which the '*Scottiſh* Army is to reſide; ſaving alwayes Liberty for them to ſend 'ſuch Convoyes, as ſhall be neceſſary for the gathering up only of 'the Contributions which ſhall be unpaid by the Counties of *Weſt-'morland* and *Cumberland*.

'9. If

'9. If any persons commit any private Insolencies, it shall be no 'breach of the Treaty, if (upon Complaint made by either party) 'reparation and punishment be granted.

'10. If Victuals be desired upon that price which shall be agreed 'upon, and ready Money offered for the same, and refused; it shall 'be no breach of the Cessation, to take such Victuals, paying such 'price.

'11. No new Fortifications to be made during the Treaty, against 'either party.

'12. That the Subjects of both Kingdoms, may in their Trade 'and Commerce freely pass to and fro, without any Pass at all; but 'that it be particularly provided, that no member of either Army 'shall pass without a formal Pass under the hand of the General, or 'of him that commandeth in Chief.

Bedford.
Bristoll.
Holland.
Berkshire.
Ed. Mandevile.
Ph. Wharton.
Ro. Brook.
J. Paulett.
Ed. Howard.
F. Dunsmore.

Dunfermeling.
Lowdon.
Patrick Hepburne.
William Douglas.
J. Smith.
Willam Wedderburn.
Alex. Henderson.
William Johnstown.

At *Newcastle.*

THe Committee appointed by the Estates of Parliament resident at *Newcastle* do approve the within written Articles.

Rothes.
Lovthian.
Balmerino.
Napier.

W. Riccartown.
Tho. Hope.
Gibson Durie.
Ja. Sword.

The Reasons of the Lord Commissioners for giving of their Advice to his Majesty for the Confirmation of the Treaty at Rippon, *the* 17th *day of* October 1640.

The Commissioners reasons for their advice to his Majesty to confirm the Treaty.

'ON the twenty seventh of *October* the Lords Commissioners re-'turned to *York*, and in the Afternoon waited upon the King in 'his Great Council of the Peers. The Earl of *Bristoll* by direction 'of the Lords, gave a short account of the proceedings in 'the Treaty. And then were read both the Articles for the 'Cessation of Arms, and the Articles of easing of the Coun-'ties under the *Scottish* power, and for a Competency for the Main-'tenance of the *Scottish* Army during the Treaty. After the Narra-'tion and Examination of some particular Articles, It was declared 'by his Majesty and the Peers then present, That the Commissioners

had

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'had in all things proceeded punctually according to their In-'ſtructions.

'HIs Majeſty then demanded of the Lords, Whether they would 'counſel him to confirm the ſaid Treaty, and required them, 'that they would therein give their Advice. Whereunto it was 'replyed in the name of the Commiſſioners, that as they had ſerved 'his Majeſty in this Treaty with exact fidelity, ſo in their Advice 'and Counſels they would be glad to ſerve him according to their 'Conſciences: the firſt being an Act of pure Obedience, the other 'of their Judgements and Opinions. And therefore they humbly 'beſought his Majeſty, that they might retire and conferr among 'themſelves: Which his Majeſty was graciouſly pleaſed to aſſent un-'to. Upon their debating and weighing of the particulars of 'the ſaid Treaty, they found that it could not but be held deroga-'tory to the honour of the King and Kingdom, to treat at all with 'Subjects, and ſuch as had already actually poſſeſſed themſelves of 'ſeveral Provinces of this Kingdom. They found likewiſe many of 'the Articles unfit to have been condeſcended unto by any Army, 'that had been but in a probable condition of defence. They there-'fore thought it not fit for them, abſolutely to give the King any 'ſuch advice, unleſs they might jointly with it obtain his Majeſties 'leave, to make unto him a Declaration of ſuch Reaſons and Mo-'tives, as induced them to give the ſaid Advice; which being aſ-'ſented unto by his Majeſty, they cauſed a ſhort Declaration to be 'read, to the effect of that which followeth.

'That they muſt crave his Majeſties leave, to reduce into his Me-'mory, thoſe Reaſons and Motives, which firſt induced the Lords 'of the Great Council to adviſe his Majeſty to admit of a Treaty, 'then of a Ceſſation of Arms, and laſtly of a Competency towards 'the maintenance of the *Scottiſh* Army, thereby to ſave the Coun-'treys under the the *Scotch* power from plundering. For that the 'ſame Motives, which had produced the former unanimous Counſel 'of the Peers, were likewiſe now to be the grounds of their preſent 'advice, which they held fit to be ſet down by way of Declaration, 'for the better Juſtifying of this their advice, both towards his 'Majeſty, and towards the World.

'They then declared, that at the firſt aſſembling of the Great 'Council, his Majeſty propounded two things unto them; the one, 'How his Majeſties own Army might be held together, until it 'might be helped by thoſe Supplies which were hoped for by Parlia-'ment? The Peers with great alacrity and affection fell preſently in-'to debate, how a conſiderable Supply might ſpeedily be raiſed. 'And conceiving no means ſo effectual, as by a Loan of *Two Hundred 'Thouſand Pounds* by the City of *London*; they cheerfully and unani-'mouſly offered their Security by Bond, to be joyned with ſuch as 'ſhould be offered on his Majeſties behalf, if need ſhould ſo require. 'And to that effect they wrote their Letters to the Mayor and Citi-'zens of *London*, and diſpatched away divers of the Peers, to ſo-'licite and take care of the ſaid Loan.

'The ſecond Propoſition made by his Majeſty was, What anſwer 'he ſhould give unto the *Scots*, and in what way he ſhould treat with 'them?

16 *Caroli.*

'them ? having formerly promiſed an Anſwer to their Petition 'preſently upon the meeting of the Great Council. Hereunto the 'Peers made anſwer, that they could not well give any advice here-'in, without a perfect information of the State of his Majeſties Af-'fairs, and the preſent condition of his Army; which points falling 'then naturally under debate, it was upon examination found, that 'the *Scotch* Army had paſſed the River of *Tyne*; and that upon diſpu-'ting the paſſage at *Newburn*, our Horſe were put to the worſt, and 'had retired in diſorder. That his Majeſties Army of Foot then in '*Newcaſtle*, had likewiſe retired from thence unto *York*; whereby 'that Town fell the next day into the hands of the *Scots* without re-'ſiſtance: ſo likewiſe did the whole Countries of *Northumberland* and 'the *Biſhoprick*; which were preſently drawn into Contribution, '*Newcaſtle* paying *Two Hundred Pounds per diem*; *Northumberland* '*Three Hundred Pounds*, and the *Biſhoprick Three Hundred and Fifty*. 'And it was declared by Mr. Secretary *Vane*, that theſe Contributi-'ons were not condeſcended unto by the Countreys, until they were 'put out of all hope of Protection by the Kings Forces. For he de-'livered it in the Great Council, that the chief Gentlemen of the '*Biſhoprick* addreſſing themſelves unto him, he carryed them to his 'Majeſty, who was pleaſed to referr them to the Lord Lieutenant; 'who poſitively declared unto them; that they could not expect any 'relief from his Majeſty; and therefore left them to make the beſt 'Conditions they could for themſelves and their Eſtates.

'The Lord Lieutenant likewiſe declared in the Great Council, 'That it was not poſſible to keep the Counties of *Cumberland* and '*Weſtmorland* out of the *Scottiſh* power, whenſoever they ſhould 'endeavour to take them in: And for the Town of *Newcaſtle*, he 'ſaid it was not to be gotten out of the *Scots* hands this Winter, al-'though his Majeſty had an Army of One Hundred Thouſand Men. 'He further declared, That (unleſs it were by the Difficulties of 'an Army to march in Winter) the *Scotch* Army could not be hin-'dered from paſſing forwards into *England*; for that the Paſſages of 'the River of *Tees*, which is the Boundary of *Yorkſhire*, was not to 'be defended, being in many places fordable by Forty Horſes in Front; 'neither could the ſaid Army be kept from marching up unto *York*, 'without the adventuring to give them Battle; which his Lordſhip 'ſaid he would not adviſe: neither conceives he his Majeſties Army 'for the preſent, to be in a fitting poſture to fight. For although it 'conſiſted of a conſiderable number, and very good bodies of men; 'yet, for want of uſe of their Arms, he held it not fit to rely upon 'them, eſpecially where ſo much was to be hazarded, and ſo little 'to be gained.

'Upon theſe grounds, the Great Council formerly gave their 'Advice unto his Majeſty for the Treaty concerning a Ceſſation of 'Arms, and eaſing of the Counties under the *Scotch* power, by ſetling 'a Competency by agreement. And upon the ſame grounds, the 'Commiſſioners (finding no Cauſe by any Alteration in his Maje-'ſties affairs for the better, but rather ſome doubts and uncertainties 'about the Supplies from the City of *London* (as was publickly de-'clared unto the Great Council of the Peers) and that there was 'not means for the payment of the Army for one Fortnight longer) 'the ſaid Commiſſioners upon theſe grounds, (as likewiſe, there

'being

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'being no reaſon to queſtion his Majeſties powers granted unto them 'under the Great Seal of *England*, by which they had treated and 'concluded the Articles by them ſigned, did give their Advice to his 'Majeſty, to Confirm the ſaid Articles, and all that had been ſigned 'and condeſcended unto by the ſaid Commiſſioners; conceiving it 'to be great Wiſdom in a Prince (in caſes of Neceſſity) to diſpenſe 'with the ſtrict rules of Honour, for the ſafety and preſervation of 'his Eſtate and people.

'And upon the ſame reaſons, the reſt of the Peers there preſent, 'concurred in their Advices unto his Majeſty. And thereupon his 'Majeſty was pleaſed the ſame day, in the preſence of the ſaid Great 'Council, to confirm under his Hand and Signet, all that had paſſed 'and been agreed upon betwixt his Majeſties Commiſſioners and the 'Commiſſioners of the *Scotch* Army.

A Plot diſcovered by the Arch-Biſhop of *Canterbury* to the King.

WHileſt the King was at *York* in the Month of *September*, the Arch-Biſhop of *Cant.* thought fit to acquaint his Majeſty by Letter of a great Plot and Deſign tending to the deſtruction of his Majeſty and Proteſtant Religion; which being a thing of great concern, the Author thinks fit to communicate the ſame as it is confirmed by the Arch-Biſhop of *Canterbury*'s own Hand-writing.

Here followeth Sir *William Boſwell*'s firſt Letter, which he ſent to the Arch-Biſhop of *Canterbury* concerning the Plot.

Sir *William Boſwell*'s firſt Letter to the Arch-Biſhop of *Canterbury* concerning the Plot.

May it pleaſe your Grace,

Sir *william Boſwell*'s firſt Letter to the Arch-Biſhop of *Canterbury* concerning the Plot.

THE offers (whereof your Grace will find a Copy) here encloſed towards a further and more particular Diſcovery, were firſt made unto me at the ſecond hand, and in ſpeech, by a friend of good Quality and worth in this place; but ſoon after (as ſoon as they could be put into order) were avowed by the Principal Party; and delivered me in Writing by both together, upon promiſe and Oath, which I was required to give, and gave accordingly, not to reveal the ſame to any other man living but your Grace, and by your Graces hand unto his Majeſty.

In like manner they have tyed themſelves not to declare theſe things unto any other but my ſelf, until they ſhould know how his Majeſty and your Grace would diſpoſe thereof. The Principal giving me withal to know, that he puts himſelf and this Secret into your Graces Power, as well becauſe it concerns your Grace ſo nearly after his Majeſty, as that he knows your Wiſdom to guide the ſame aright, and is aſſured of your Grace's Fidelity to his Majeſties Perſon, to our State and to our Church.

Firſt, Your Grace is humbly and earneſtly prayed, to ſignifie his Majeſties pleaſure (with all poſſible Speed) together with your Graces Diſpoſition herein, and purpoſe to carry all with ſilence from all but his Majeſty until due time.

Secondly, When your Grace ſhall think fit to ſhew theſe things unto his Majeſty, to do it immediately, not truſting to Letters, or permitting any other Perſon to be by or in Hearing; And to entreat and counſel his Majeſty as in a caſe of Conſcience to keep the ſame wholly and ſolely in his

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his own Boſome, from the knowledge of all other Creatures living but your Grace; until the buſineſs ſhall be clear, and ſufficiently in his Majeſties and your Graces hands to effect.

Thirdly, Not to Enquire or Demand the Names of the Parties from whom theſe Overtures do come, or any further Diſcoveries and Advertiſements in Purſuit of them which ſhall come hereafter, until due ſatisfaction ſhall be given in every part of them. Nor to bewray unto any Perſon but his Majeſty in any meaſure or kind, that any thing of this nature, or of any great Importance is come from me.

For as I may believe theſe Overtures are Veriſiable in the way they will be laid, and that the Parties will not ſhrink; ſo I make account that if never ſo little a glimpſe or ſhadow of theſe Informations ſhall appear by his Majeſties or your Graces Speech or Carriage unto others, the means whereby the buſineſs may be brought beſt unto Tryal will be utterly diſappointed; and the Parties who have in Conſcience towards God, and Devotion to his Majeſty, affection to your Grace, and Compaſſion of your Countrey, diſcloſed theſe things, will run a preſent and extream hazard of their Perſons and Lives. So eaſily it will be conjectured (upon the leaſt occaſion given upon his Majeſties or your Graces parts) who is the diſcoverer; by what means and how he knows ſo much of theſe things, and where he is: theſe are the points, which together with the offers they have preſſed me eſpecially to repreſent moſt ſeriouſly unto your Grace.

For my own particular having moſt humbly craved pardon of any Errour or Omiſſions, that have befaln me in the Meſſaging of this buſineſs, I do beſeech your Grace to let me know;

Firſt, Whether, and in what order I ſhall proceed hereafter with the Parties.

Secondly, What points of theſe Offers I ſhall chiefly and firſt put them to enlarge and clear.

Thirdly, What other points and Enquiries I ſhall propoſe unto them, and in what manner.

Fourthly, How far further I ſhall ſuffer my ſelf to hear and know theſe things.

Fifthly, Whether I ſhall not rather take the Parties Anſwers and Diſcoveries ſealed up by themſelves, and having likewiſe put my own Seal upon them, without queſtioning what they contain, ſo to tranſmit them to his Majeſty or your Grace.

Sixthly, Whether I may not inſinuate upon ſome fair occaſions, that there will be a due regard held of them and their Service, by his Majeſty and your Grace, when all Particulars undertaken in theſe General Offers, and neceſſary for Perfection of the diſcovery and work intended, ſhall be effectually delivered to his Majeſty or your Grace.

Upon theſe Heads, and ſuch other as his Majeſty and your Grace ſhall think proper in the buſineſs, I muſt with all humility beſeech your Grace to furniſh me with Inſtructions, and Warrant for my Proceedings under his Majeſties hand with your Graces atteſtation, as by his Majeſties goodneſs and royal diſpoſition is uſual in like caſes.

May it pleaſe your Grace to entertain a Cypher with me upon this occaſion, I have ſent the Counter-part of one here encloſed: In the vacant ſpaces whereof your Grace may inſert ſuch Names more, with Numbers to them, as you think requiſite.

If theſe Overtures happily ſort with his Majeſties and your Graces mind, and ſhall accordingly prove effectual in their operation, I ſhall think my

An. 1640. *ſelf a moſt happy man to have had my Oblations in ſo Pious a Work for my moſt Gracious Soveraign and Maſter: more particularly, in that your Grace under his Majeſty ſhall be,* Opifex rerum & mundi melioris origo. *Which I ſhall inceſſantly begg in my Prayers at his hands, who is the giver of all good things, and will never forſake or fail them, who do not firſt fail and fall from him,* The God of all mercy and peace, with which I ſhall remain ever

Your Graces moſt Dutiful and obliged Servant,

William Boſwell.

I have not dared more to truſt this buſineſs without a Cypher, but by a ſure hand, for which I have ſent this Bearer my Secretary Expreſs, but he knoweth nothing of the Contents hereof.

Sr. *William Boſwell*'s Endorſement, *For your Grace. Hague* in *Holland, Sept.* 9. 1640. *Stil. loci.*

The Arch-biſhops Endorſement with his own hand. Received Sept. 10. 1640. *Sir* William Boſwell's *Letter about the Plot againſt the King.*

Andreas ab Habernfield his Letter to the Arch-Biſhop of *Canterbury* concerning the Plot revealed to him, Dated at the *Hague Septemb.* 14. *New Stile,* 1640. which he ſent encloſed in Sir *William Boſwell*'s firſt Letter, *Septemb.* 14. 1640.

Andreas ab Habernfeld his Letter to the Arch-Biſhop of *Canterbury.*

Moſt Illuſtrious and moſt Reverend Lord,

ALL *my Senſes are ſhaken together as often as I revolve the preſent buſineſs, neither doth my underſtanding ſuffice (to conceive) what wind hath brought ſuch horrid things, that they ſhould ſee the Sun-ſhine by me; for beſides expectation this good man became known unto me, who when he had heard me diſcourſing of theſe* Scottiſh ſtirs, *ſaid, that I knew not the* nerve *of the buſineſs, that theſe things which are commonly ſcattered abroad are ſuperficial. From that hour he every day became more familiar to me, who acknowledging my Dexterity herein with a full breaſt poured forth the burdens of his Heart into my boſome, ſuppoſing that he had diſcharged a burden of Conſcience wherewith he was preſſed. Hence he related to me the Factions of the* Jeſuits, *with which the whole earthly world was aſſaulted, and ſhewed, that I might behold how through* their poyſon, Bohemia *and* Germany *were devoured, and both of them maimed with an irreparable wound; that the ſame Plague did creep through the Realms of* England *and* Scotland, *the matter whereof revealed in the adjacent writing he diſcovered to me: which things having heard, my Bowels were contracted together, my Loyns trembled with horrour that a pernicious*

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pernicious Gulf ſhould be prepared for ſo many thouſands of ſouls, with words moving the Conſcience; I inflamed the mind of the man, he had ſcarce one hour concocted my admonitions but he diſcloſed all the ſecrets, *and he gave free liberty that I ſhould treat with thoſe whom it concerned, that they might be informed hereof. I thought no delay was to be made about the things; the ſame hour went to Sr.* William Boſwell *the King's Leger at the* Hague, *who being tyed with an* Oath of Secrecy *to me, I communicated the buſineſs to him, I admoniſhed him to weigh theſe things by the ballance, neither to defer but act, that thoſe who were in danger might be ſpeedily ſuccoured; He as becomes an honeſt man, mindful of his duty, and having nearer looked into the buſineſs, refuſed not to obey the monitions; moreover he forthwith cauſed that an Expreſs ſhould be diſpatched, and ſent word back again what a moſt acceptable oblation this had been to the King, and your Grace, for which we rejoiced from the Heart, and we judged that a ſafe and favourable Deity had interpoſed it ſelf in this buſineſs, whereby you might be preſerved.*

Now that the verity of the things related might be confirmed, ſome principal heads of the Conſpiracy were purpoſely pretermitted, that the knowledge of them might be extorted from the circumvented Society of the Conſpirators.

Now the things will be ſpeedily and ſafely promoted into Act if they be warily proceeded in at Bruxels. *By my advice, that day ſhould be obſerved wherein the Packet of Letters are diſpatched, which under the title of, To* Monſ. Strario *Arch-Deacon of* Cambray, *tyed with one Cover are delivered to the Poſt-maſter; ſuch a Packet may be ſecretly brought back from him, yet it will be unprofitable becauſe all the incloſed Letters are written Characteriſtically: likewiſe another Packet coming weekly from* Rome, *which is brought under this Subſcription,* To the moſt Illuſtrious Lord Count *Roſetti Legat for the time; theſe are not to be neglected; to whom likewiſe Letters writ in the ſame Character are included; That they may be underſtood,* Read *is to be conſulted with. The forenamed day of diſpatch ſhall be expected: In* Read's *Houſe an accumulated Congregation may be circumvented, which ſucceeding, it will be your Graces part to order the buſineſs. The inteſtine Enemy being at length detected by Gods Grace, all bitterneſs of mind which is cauſed on either ſide may be aboliſhed, delivered to Oblivion, deleted and quieted, the enemy be invaded on both parts: thus the King and the Kings Friends and both Kingdoms near to danger ſhall be preſerved, delivered from imminent danger.*

Your Grace likewiſe may have this Injunction by you, if you deſire to have the beſt advice given you by others, that you truſt not overmuch to your Purſevants, for ſome of them live under the ſtipend of the Popiſh party; How many Rocks and how many Scylla's, how many diſpleaſed Charybdes appear before your Grace, in what a dangerous Sea the Cockboat of your Graces life, next to Shipwrack is toſſed, your ſelf may judge, the Foredeck of the Ship is ſpeedily to be driven to the Harbour.

All theſe things I whiſper into your Graces ear, for I know it bound with an oath of Secreſie, therefore by open Name I would by theſe preſents become known to your Grace,

Your Graces moſt Obſervant and moſt Officious,

Hague Sept. 14. S. N. 1640.

Andrew Habernfeld.

An. 1640.

Andreas ab Habernfeld a Chaplain (as ſome affirm) to the Queen of *Bohemia*, his Endorſement hereon,

Illuſtriſſimo ac Reverendiſſimo Dom. Domino Gulielmo Archiepiſcopo Cantuarienſi, Primati & Metropolitano totius Regni Angliæ, Domino meo.

The Arch-Biſhops Endorſement with his own hand,

Received Octob. 14. 1640. Andreas ab Habernfield *his Letters ſent by Sir* William Boſwell *about the Diſcovery of the Treaſon.*

The General Overture and Diſcovery of the Plot ſent with Sir William Boſwell's *firſt Letter*, Sept. 6. 1640. *Foraign Stile.*

The general diſcovery of the Plot by *A. Habernfeld.*

THE King's Majeſty and Lord Arch-Biſhop of *Canterbury* are to be ſecretly informed by Letters,

'1. That the King's Majeſty and Lord Arch-Biſhop are both of 'them in great danger of their lives.

'2. That the whole Common-wealth is by this means endanger-'ed, unleſs the miſchief be ſpeedily prevented.

'3. That theſe *Scottiſh* troubles are raiſed, to the end, that under 'this pretext the King and Arch-Biſhop might be deſtroyed.

'4. That there is a means to be preſcribed, whereby both of them 'in this caſe may be preſerved, and this tumult ſpeedily compoſed.

'5. That although theſe *Scottiſh* tumults be ſpeedily compoſed, 'yet that the King is endangered, and that there are many wayes by 'which deſtruction is plotted to the King and Lord Arch-Biſhop.

'6. That a certain Society hath conſpired, which attempts the 'death of the King and Lord Arch-Biſhop, and Convulſion of the 'whole Realm.

'7. That the ſame Society every week depoſits with the Preſident 'of the Society, what intelligence every of them hath purchaſed in 'eight dayes ſearch, and then conferr all into one Packet, which is 'weekly ſent to the Director of the buſineſs.

'8. That all the Confederates in the ſaid Conſpiracy may verily 'be named by the Poll, but becauſe they may be made known by 'other means, it is thought meet to deferr it till hereafter.

'9. That there is a ready means whereby the Villany may be diſ-'covered in one Moment, the chief Conſpirators circumvented, and 'the primary members of the conjuration apprehended in the very 'Act.

10. That very many about the King, who are accounted moſt 'faithful and intimate, to whom likewiſe the more ſecret things are 'intruſted, *are Traytors to the King*, corrupted with a Foraign Pen-'ſion, who communicate all ſecrets of greater or leſſer moment to a 'Foraign power.

11. Theſe and other moſt ſecret things which ſhall be neceſſary 'to be known for the ſecurity of the King, may be revealed if theſe 'things ſhall be acceptable to the Lord Arch-Biſhop.

'12. In

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'12. In the mean time, if his Royal Majeſty, and the Lord Arch-'Biſhop deſire to conſult well to themſelves, they ſhall keep theſe 'things only ſuperficially communicated unto them, moſt ſecretly 'under deep ſilence, not communicating them ſo much as to thoſe 'whom they judge moſt faithful to them, before they ſhall receive 'by name in whom they may conſide, for elſe they are ſafe on no ſide. 'Likewiſe they may be aſſured, that whatever things are here pro-'poſed are no Figments, nor Fables, nor vain dreams, but ſuch real 'verities which may be demonſtrated in every ſmall tittle, for thoſe 'who thruſt themſelves into this buſineſs are ſuch men who mind 'no gain, but the very Zeal of Chriſtian Charity ſuffers them not 'to conceal theſe things, yet both from his Majeſty and the Lord 'Arch-Biſhop ſome ſmall Exemplar of Gratitude will be expected.

'All theſe premiſes have been Communicated under good Faith, 'and the Sacrament of an Oath, to Mr. *Leiger* Embaſſador of the 'King of Great *Britain* at the *Hague*, that he ſhould not immediately 'truſt, or communicate theſe things to any Mortal, beſides the King 'and the Lord Arch-Biſhop of *Canterbury*.

Subſcribed, *&c.*

Preſent *&c.*

Hagæ Com. Sept. 6. 1640.
In the ſtile of that place.

Detectio, &c. offerenda Sereniſſimæ Regiæ Majeſtati Britanniæ & Dom. Archiepiſcopo Cantuarienſi, &c. Sept. 6. 1640.

The Arch-Biſhop's own Endorſement,
Received Sept. 10. 1640. *The Plot againſt the King.*

The Arch-Biſhop of *Canterbury*'s Letter to the King concerning the Plot, with the Kings direction in the Margin, written with his own hand.

The Arch-Biſhops Letter to the King concerning it.

May it pleaſe your Majeſty,

AS great as the ſecret is which comes herewith, yet I chooſe rather to ſend it in this ſilent covert way, and I hope ſafe, than to come thither, and bring it my ſelf. Firſt, becauſe I am no way able to make haſte enough with it. Secondly, becauſe ſhould I come at this time and antedate the meeting Sept. 24. *there would be more jealouſie of the buſineſs, and more enquiry after it, eſpecially, if I being once there, ſhould return again before that day, as I muſt if this be followed, as is moſt fit.*

The Danger it ſeems is imminent, and laid by God knows whom, but to be executed by them which are very near about you (for the great honour which I have to be in danger with you, or for you, I paſs not, ſo your Sacred Perſon and the State may be ſafe.). Now may it pleaſe your Majeſty, This information is either true, or there is ſome miſtake in it: if it be true, the perſons which make the diſcovery will deſerve thanks and reward; if there ſhould be any miſtake in it, your Majeſty can loſe nothing but a little ſilence.

I beſeech your Majeſty read theſe Letters as they are Endorſed, *&c.* 1, 2, 3, *&c.*

Ye had reaſon ſo to do.

It is an unanſwerable Dilemma.

The

I concur totally with you in opinion, aſſuring you that no body doth or ſhall know of this buſineſs, and to ſhew my care to conceal it, I received this but this Afternoon, and now I make this diſpatch before I ſleep.

The buſineſs (if it be) is extream foul, The diſcovery thus by Gods Providence offered, ſeems fair. I do hereby humbly beg it upon my knees of your Majeſty, that you will conceal this buſineſs from every Creature and his name that ſends this to me. And I ſend his Letters to me to your Majeſty, that you may ſee his ſence both of the buſineſs and the Secreſie. And ſuch Inſtructions as you think fit to give him, I beſeech you let them be in your own hand for his Warrant without imparting them to any. And if your Majeſty leave it to his diſcretion to follow it therein in the beſt way he can, that in your own hand will be inſtruction and warrant enough for him. And if you pleaſe to return it herewith preſently to me, I will ſend an Expreſs away with it preſently.

Herewith I ſend his Warrant as you adviſe, which indeed I judge to be the better way.

I like your anſwer extream well, and do promiſe not to deceive your Confidence, nor make you break your word.
I have ſent all back, I think theſe Apoſtyles will be warrant enough for you to proceed, eſpecially when I expreſly command you to do ſo.
In this I am as far from condemning your Judgement as ſuſpecting your fidelity. *C. R.*

In the mean time I have by this Expreſs returned him this anſwer, that I think he ſhall do well to hold on the Treaty with theſe men with all care and ſecreſie, and drive on to the diſcovery ſo ſoon as the buſineſs is ripe for it, that he may aſſure himſelf and them, they ſhall not want reward, if they do the ſervice; That for my part he ſhall be ſure of ſecreſie, and that I am moſt confident your Majeſty will not impart it to any. That he have a ſpecial eye to the Eighth and Ninth Propoſition.

Sir, For Gods ſake and your own ſafety, ſecreſie in this buſineſs: And I beſeech you ſend me back this Letter, and all that comes with it, ſpeedily and ſecretly, and truſt not your own Pockets with them, I ſhall not eat nor ſleep in quiet till I receive them. And ſo ſoon as I have them again and your Majeſties Warrant to proceed, no diligence ſhall be wanting in me to help on the diſcovery.

This is the greateſt buſineſs that ever was put to me, And if I have herein propoſed or done any thing amiſs, I moſt humbly crave your Majeſties pardon. But I am willing to hope I have not herein erred in Judgement, and in fidelity I never will.

Theſe Letters came to me (ſaith the Arch-Biſhop) on Thurſday, Septemb. 10. *at Night, and I ſent theſe away according to the Date hereof, being extreamly wearied with writing this Letter, copying out theſe other which come with this, and diſpatching my Letters back to him that ſent theſe, all in my own hand; once again ſecreſie for Gods ſake, and your own: To his moſt bleſſed protection I commend your Majeſty and all your affairs, and am*

Your Majeſties moſt humble and faithful Servant,

* The King's Hand and Date.

* *York 13th.*
Lambeth Sept. 11. 1640.

William Cant.

* The Arch-Biſhop's Poſtſcript.

* *As I had ended theſe, whether with the labour or Indignation or both I fell into an extream faint ſweat, I pray God keep me from a Feaver, of which three are down in my Family at* Croyden.

Theſe Letters came late to me, the Expreſs being beaten back by the wind.

The Arch-Biſhops Indorſement with his own hand,

Received from the King, Sept. 16. 1640. *For your Sacred Majeſty, Yours Apoſtyled, The Kings anſwer to the Plot againſt him,* &c.

Sir *William*

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Sir *William Boſwell*'s ſecond Letter to the Arch-Biſhop of *Canterbury*.

Sir *W. Boſwell*'s ſecond Letter to the Arch-Biſhop of *Canterbury*.

May it pleaſe your Grace,

THis Evening late I have received your Graces Diſpatch, with the Enclоſed from his Majeſty, by my Secretary Oveart, *and ſhall give due Account with all poſſible ſpeed of the ſame according to his Majeſties and your Graces Commands, Praying heartily that my endeavours which ſhall be moſt Faithful may alſo prove Effectual to his Majeſties and your Graces Content, with which I do moſt humbly take leave, being alwaies*

Your Graces moſt Dutiful and Humble Servant,

Hague 24th of *Septemb.* 1640. *Stil. Angl.*

William Boſwell.

The Arch-Biſhop's Endorſement.

Rec. Sept. 30. 1640. *Sir* William Boſwell *his Acknowledgement that he hath received the Kings Directions and my Letters.*

Sir *William Boſwell*'s third Letter to the Arch-Biſhop, ſent with the larger Diſcovery of the Plot.

Sir *W. Boſwell*'s third Letter to the ſame perſon.

May it pleaſe your Grace,

UPon Receipt of his Majeſties Commands, with your Graces Letters of 9 *and* 18 Sept. *laſt, I dealt with the Party to make good his offers formerly put in my hand, and tranſmitted to your Grace: This he hopes to have done by the encloſed, ſo far as will be needful for his Majeſties ſatisfaction; yet if any more Particular Explanation of Diſcovery ſhall be Required by his Majeſty or your Grace, He hath promiſed to add thereunto, whatſoever he can remember and knows of truth. And for better Aſſurance and Verification of his Integrity, he profeſſeth himſelf ready (if required) to make Oath of what he hath already declared, or ſhall hereafter declare in the buſineſs.*

His name he Conjures me ſtill to conceal, though he thinks his Majeſty and your Grace, by the Character he gives of himſelf, will eaſily imagine who he is, having been known ſo generally through Court and City, as he was for three or four years in the Quality and Employment he acknowledgeth (by his declaration encloſed) himſelf to have had.

Hereupon he doth alſo redouble his moſt humble and earneſt Suit unto his Majeſty and your Grace to be moſt Secret and Circumſpect in the buſineſs, that he may not be ſuſpected to have diſcovered, or had a hand in the ſame.

I ſhall

An. 1640.

I ſhall here humbly beſeech your Grace to let me know what I may further do for his Majeſties Service, or for your Graces particular behoof; that I may accordingly endeavour to approve my ſelf as I am

Your Graces moſt Dutiful and obliged Servant,

Hague Octob. 15. 1640.

William Boſwell.

The Arch-Biſhop's Endorſement,

Rec. Octob. 14. 1640. *Sir* William Boſwell *in Proſecution of the great buſineſs. If any thing come to him in Cyphers, to ſend it to him.*

Which ſaid larger Diſcovery here followeth,

A large particular Diſcovery of the Plot and Treaſon againſt the King, Kingdom and Proteſtant Religion, and to raiſe the Scottiſh *Wars.*

Moſt Illuſtrious and Reverend Lord,

A larger diſcovery of the Plot.

'WE have willingly and cordially perceived, that our offers 'have been acceptable both to his Royal Majeſty, and likewiſe 'to your Grace. This is the only Index to us, That the bleſſing of 'God is preſent with you, whereby a ſpur is given, that we ſhould 'ſo much the more cheerfully and freely utter and detect thoſe things 'whereby the hazard of both your lives, the ſubverſion of the Realm 'and State both of *England* and *Scotland*, the tumbling down of his 'moſt Excellent Majeſty from his Throne is intended. Now leſt 'the diſcourſe ſhould be enlarged with ſuperfluous circumſtances, 'we will only premiſe ſome things which are meerly neceſſary to the 'buſineſs.

'They may firſt of all know, that this good man, by whom the 'enſuing things are detected, was born and bred in the Popiſh Reli'gion, who ſpent many years in Eccleſiaſtical dignities. At length 'being found fit for the expedition of the preſent deſign, by the 'Counſel and Mandate of the Lord Cardinal *Barbarino*, he was ad'joyned to the aſſiſtance of Maſter *Cuneus* (*Cun*) by whom he was 'found ſo diligent and ſedulous in his office, that hope of great pro'motion was given to him; yet he, led by the inſtinct of the good 'Spirit, hath, howſoever it be, contemned ſweet promiſes, and having 'known the vanities of the Pontifician Religion (of which he had ſome'times been a moſt ſevere defender) having likewiſe noted the malice 'of thoſe who fight under the Popiſh Banner, felt his Conſcience to be 'burthened; which burden that he might eaſe himſelf of, he con'verted his mind to the Orthodox Religion. Soon after, that he 'might exonerate his Conſcience, he thought fit, that a deſperate 'Treaſon machinated againſt ſo many ſouls, was to be revealed, and 'that he ſhould receive eaſe if he vented ſuch things into the boſom 'of a friend; which done, he was ſeriouſly admoniſhed by the ſaid 'friend, that he ſhould ſhew an example of his converſion and cha-

'rity,

'rity, and free ſo many innocent ſouls from imminent danger. To 'whoſe monitions he willingly conſented, and delivered the follow-'ing things to be put in writing, out of which the Articles not long 'ſince tendered to your Grace, may be clearly explicated and de-'monſtrated.

'1. Firſt of all, That the hinge of the buſineſs may be rightly 'diſcerned, it is to be known, that all thoſe factions with which all 'Chriſtendom is at this day ſhaken, do ariſe from the Jeſuitical off-'ſpring of *Cham*, of which four Orders abound throughout the 'world.

'1. Of the firſt order are Eccleſiaſticks, whoſe office is to take 'care of things promoting Religion.

'2. Of the ſecond order are Politicians, whoſe office it is by any 'means to ſhake, trouble, reform the ſtate of Kingdoms and Re-'publicks.

'3. Of the third Order are Seculars whoſe property it is to ob-'trude themſelves into Offices with Kings and Princes, to inſinuate 'and immix themſelves in Court-buſineſſes, bargains and ſales, and 'to be buſied in Civil affairs.

'4. Of the fourth order are intelligencers, (or ſpies) men of in-'ferior condition, who ſubmit themſelves to the ſervices of great 'men, Princes, Barons, Noble-men, Citizens, to deceive (or cor-'rupt) the minds of their Maſters.

'2. A Society of ſo many Orders, the Kingdom of *England* nou-'riſheth: for ſcarce all *Spain*, *France* and *Italy* can yield ſo great a 'multitude of Jeſuites as *London* alone; where are found more than 'fifty *Scottiſh* Jeſuites. There the ſaid Society hath elected to it ſelf 'a ſeat of iniquity, and hath conſpired againſt the King, and the moſt 'faithful to the King, eſpecially the Lord Arch-Biſhop of *Canterbury*; 'and likewiſe againſt both Kingdoms.

'3. For it is more certain than certainty it ſelf, that the fore-named 'Society hath determined to effect an univerſal Reformation of the 'Kingdom of *England* and *Scotland*. Therefore the determination of 'the end, neceſſarily inferrs a determination of means to the end.

'4. Therefore to promote the undertaken villany, the ſaid Society 'dubbed it ſelf with the title of, The Congregation of propagating 'the faith; which acknowledgeth the Pope of *Rome* the head of the 'Colledge, and Cardinal *Barbarino* his ſubſtitute and Executor.

'5. The Chief Patron of the Society at *London*, is the Popes Le-'gat, who takes care of the buſineſs; into whoſe boſome, theſe 'dreggs of Traytors weekly depoſite all their intelligences. Now 'the Reſidence of this Legation was obtained at *London* in the 'name of the *Roman Pontife*, by whoſe mediation it might be lawful 'for Cardinal *Barbarino*, to work ſo much the more eaſily and ſafe-'ly upon the King and Kingdom. For none elſe could ſo freely cir-'cumvent the King, as he who ſhould be palliated with the Popes 'Authority.

'6. Maſter *Cuneus* did at that time enjoy the Office of the Popes 'Legate, an univerſal inſtrument of the conjured Society, and a ſe-'rious promoter of the buſineſs, whoſe ſecrets, as likewiſe thoſe of 'all the other intelligencers, the preſent good man, the communica-'tor of all theſe things, did receive and expedite whither the buſi-'neſs required.

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'*Cuneus* ſet upon the chief men of the Kingdom, and left nothing 'unattempted, by what means he might corrupt them all, and in-'cline them to the Pontifican party: he inticed many with various 'inticements, yea he ſought to delude the King himſelf with gifts of 'Pictures, Antiquities, Idols, and of other vanities brought from '*Rome*, which yet would prevail nothing with the King.

'Having entred familiarity with the King he is often requeſted at '*Hampton Court*, likewiſe at *London*, to undertake the cauſe of the '*Palatine*, and that he would interpoſe his Authority, and by his in-'terceſſion perſwade the Legat of *Colen*, that the *Palatine* in the next 'Diet to treat of peace, might be inſerted into the conditions, which 'verily he promiſed, but performed the contrary. He writ indeed, 'that he had been ſo deſired by the King concerning ſuch things, yet 'he adviſed not that they ſhould be conſented to, leſt peradventure it 'might be ſaid by the *Spaniard*, that the Pope of *Rome* had Patroni-'zed an Heretical Prince.

'In the mean time, *Cuneus* ſmelling from the Arch-Biſhop moſt 'truſty to the King, that the Kings mind was wholly pendulous (or 'doubtful), reſolved that he would move every ſtone, and apply his 'forces, that he might gain him to his party: Certainly confiding, 'that he had a means prepared, for he had a command to offer a Car-'dinals Cap to the Lord Arch-Biſhop in the name of the Pope of '*Rome*, and that he ſhould allure him alſo with higher promiſes, that 'he might corrupt his ſincere mind. Yet a fitting occaſion was ne-'ver given whereby he might inſinuate himſelf into the Lord Arch-'Biſhop (for the *Scorpion* ſought an egg). Free acceſs was to be 'impetrated by the Earl and Counteſs of *Arundel*, likewiſe by Se-'cretary *Windebanke*: The interceſſion of all which being neglected, 'he did fly the company or familiarity of *Cuneus*, worſe than the 'Plague: He was likewiſe perſwaded by others of no mean rank, 'well known to him, neither yet was he moved.

'7. Another alſo was aſſayed who hindred acceſs to the deteſtable 'wickedneſs, Secretary *Cook*, he was a moſt bitter hater of the Jeſu-'ites, from whom he intercepted acceſs to the King; he entertained 'many (of them) according to their deſerts, he diligently enquired 'into their factions; by which means every incitement breathing a 'magnetical (attractive) power to the Popiſh party, was ineffectu-'al with him; for nothing was ſo dear unto him that might incline 'him to Wickedneſs: hereupon being made odious to the Patrons of 'the Conſpiracy, he was endangered to be diſcharged from his Of-'fice; it was laboured for three years ſpace, and at laſt obtained. 'Yet notwithſtanding there remained on the Kings part a knot hard to 'be untyed, for the Lord Arch-Biſhop by his conſtancy, interpoſed 'himſelf as a moſt hard rock.

'When *Cuneus* had underſtood from the Lord Arch-Biſhops part, 'that he had laboured in vain, his malice and the whole Societies wax-'ed boyling hot; ſoon after ambuſhes began to be prepared, where-'with the Lord Arch-Biſhop together with the King ſhould be taken.

'Likewiſe a ſentence is paſſed againſt the King (for whoſe ſake 'all this buſineſs is diſpoſed) becauſe nothing is hoped from him, 'which might ſeem to promote the Popiſh Religion (but eſpecially 'when he had opened his mind, that he was of this opinion, that every 'one might be ſaved in his own Religion, ſo as he be an honeſt pious 'man.)

'8. To

16 *Caroli.*

'8. To perpetrate the Treaſon undertaken, the Criminal execu-
'tion * at *Weſtminſter* cauſed by ſome writings of Puritans, gave oc-
'caſion of the firſt fire; which thing was ſo much exaſperated and
'exaggerated by the Papiſts to the Puritans, that if it remained un-
'revenged, it would be thought a blemiſh to their Religion, the
'flames of which fire, the ſubſequent Book † of Prayers encreaſes.

'9. In this heat a certain *Scottiſh* Earl, called * *Maxwell*, if I mi-
'ſtake not, was expedited to the *Scots* by the Popiſh party; with
'whom two other *Scottiſh* Earles, Papiſts, held correſpondency:
'he ought to ſtir up the people to Commotion, and rub over the in-
'jury afreſh, that he might enflame their minds, precipitate them to
'Armes, by which the hurtful diſturber of the *Scottiſh* liberty might
'be ſlain.

'10. There, by one labour, ſnares are prepared for the King: for
'this purpoſe the preſent buſineſs was ſo ordered, that very many of
'the *Engliſh* ſhould adhere to the *Scots*; That the King ſhould re-
'main inferiour in Armes, who (thereupon) ſhould be compelled
'to crave aſſiſtance from the Papiſts; which yet he ſhould not ob-
'tain, unleſs he would condeſcend unto conditions, by which he
'ſhould permit univerſal liberty of the exerciſe of the Popiſh Reli
'gion; for ſo the affairs of the Papiſts would ſucceed according to
'their deſire. To which conſent, if he ſhould ſhew himſelf more
'difficult, there ſhould be a preſent remedy at hand: For the King's
'Son growing now very faſt to his youthful age (who is educated
'from his tender age, that he might accuſtome himſelf to the Popiſh
'party) the King is to be diſpatched; for an *Indian* Nut ſtuffed with
'moſt ſharp poyſon, is kept in the Society (which *Cuneus* at that
'time ſhewed often to me in a boaſting manner) wherein a poyſon
'was prepared for the King, after the example of his Father.

'11. In this *Scottiſh* Commotion, the Marqueſs of *Hamilton* was often
'diſpatched to the *Scots* in the name of the King, to interpoſe the
'Royal authority, whereby the heat of minds might be mitigated,
'returned notwithſtanding as often without fruit, and without end-
'ing the buſineſs: His Chaplain at that time repaired to us, who
'communicated ſomething ſecretly with *Cuneus*. Being demanded
'of me in jeſt, whether alſo the Jews agreed with the *Samaritans*, *Cu-*
'*neus* thereunto anſwered, Would to God all Miniſters were ſuch as
'he: what you will may be hence conjectured.

'12. Things ſtanding thus, there arrived at *London* from Cardi-
'nal *Richlieu*, Mr. *Tho. Chamberlaine*, his Chaplain and Almoner, a
'*Scot* by Nation, who ought to aſſiſt the Colledge of the confederate
'Society, and ſeriouſly to ſet forward the buſineſs, to leave nothing
'unattempted, whereby the firſt heat might be exaſperated. For
'which ſervice he was promiſed the reward of a Biſhoprick: He
'Cohabited with the Society four months ſpace; neither was it law-
'ful for him firſt to depart, until things ſucceeding according to his
'wiſh, he might be able to return back again with good news.

'13. Sir *Toby Matthew* a Jeſuited Prieſt, of the order of Politici-
'ans, a moſt vigilant man of the chief heads, to whom a bed was
'never ſo dear, that he would reſt his head thereon, refreſhing his
'body with ſleep in a Chair for an hour or two, neither day nor night
'ſpared his machinations; a man principally noxious, and himſelf
'the plague of the King and Kingdom of *England*; a moſt impudent

* When *Prin*, *Baſtwick* and *Burton* had their ears cut off in the Pillory, and *Prin* ſtigmatized.

† The Common-Prayer Book ſent into *Scotland* implying Tranſubſtantiation in the Sacrament.

*Or *Maxfield*.

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'man, who flies to all banquets, and feaſts, called or not called, ne-
'ver quiet, alwayes in action, a perpetual motion; thruſting himſelf
'into all converſations of Superiours; he urgeth Conferences fami-
'liarly, that he may fiſh out the minds of men; whatever he ob-
'ſerveth thence, which may bring any commodity or diſcommodity
'to the part of the Conſpirators, he communicates to the Popes Legat;
'the more ſecret things he himſelf writes to the Pope, or to Cardinal
'*Barbarino*. In ſumm he adjoyns himſelf to any mans company, no
'word can be ſpoken that he will not lay hold on, and accommodate
'to his party. In the mean time, whatever he hath fiſhed out, he
'reduceth into a Catalogue, and every Summer carryeth or con-
'veyeth it to the general Conſiſtory of the Jeſuites politicks, which
'ſecretly meets together in the Province of *Wales*, where he is an
'acceptable gueſt. There Counſels are ſecretly hammered which
'are moſt meet for the convulſion of the Eccleſiaſtick and politick
'eſtate of both Kingdoms.

'14. Captain *Read* a *Scot*, dwelling in *Long-acre* ſtreet, near the
'Angel Tavern, a Secular Jeſuite; in his houſe the buſineſs of the
'whole Plot is concluded, where the Society which hath conſpired
'againſt the King, the Lord Arch-Biſhop and both Kingdoms meet
'together, for the moſt part every day: but on the day of the Car-
'riers (or Poſts) diſpatch, which is ordinarily *Friday*, they meet
'in greater numbers; for then all the Intelligencers aſſemble and
'conferr in common, what things every of them hath fiſhed out that
'week; who that they may be without ſuſpicion, ſend their ſecrets
'by *Toby Matthew* or *Read* himſelf, to the Popes Legate, he tranſmits
'the compacted packet which he hath purchaſed from the Intelli-
'gencers to *Rome*.

'With the ſame *Read*, the Letters brought from *Rome* are depoſit-
'ed under feigned Titles and Names, who by him are delivered to
'all to whom they appertain, for all and every of their names are
'known to him.

'Upon the very ſame occaſion Letters are brought hither under
'the Covert of Father *Philips*; (he notwithſtanding being ignorant
'of things) from whom they are diſtributed to the Conſpirators.

'There is in that very houſe a publick Chapel, wherein an ordi-
'nary Jeſuite Conſecrates, and dwells there. In the ſaid Chapel
'Maſſes are daily Celebrated by the Jeſuites; and it ſerves for the
'Baptizing of the Children of the houſe, and of ſome of the Con-
'ſpirators.

'Thoſe who aſſemble in the forenamed houſe, come frequently in
'Coaches or on Horſe-back in Lay-mens habits, and with a great
'Train, wherewith they are diſguiſed, that they may not be known,
'yet they are Jeſuites, and conjured members of the Society.

'15. All the Papiſts of *England* contribute to this Aſſembly, leſt
'any thing ſhould be wanting to promote the undertaken deſigns,
'upon whoſe Treaſury one Widow, owner of the houſes wherein
'Secretary *Windebanke* now dwelleth, dead above three years ſince,
'beſtowed Forty Thouſand Engliſh Pounds, ſo likewiſe others con-
'tribute above their abilities, ſo as the buſineſs may be promoted un-
'to its deſired end.

'16. Beſides the foreſaid Houſes, there are Convents kept alſo in
'other more ſecret places, of which verily they conſide not even

'among

16 *Caroli.*

'among themſelves, for fear leſt they ſhould be diſcovered. Firſt, every 'of them are called to certain Inns, (one not knowing of the other); 'hence they are ſeverally led by ſpies to the place where they ought 'to meet, otherwiſe ignorant where they ought to aſſemble, leſt per-'adventure they ſhould be ſurprized at unawares.

'17. The Counteſs of *Arundel*, a ſtrenuous She-Champion of the 'Popiſh Religion, bends all her Nerves to the Univerſal Reformati-'on; whatſoever ſhe hears at the King's Court that is done ſecretly 'or openly in words or deeds, ſhe preſently imparts to the Popes Le-'gat, with whom ſhe meets thrice a day, ſometimes in *Arundel* 'Houſe, now at the Court, or at *Tart*-Hall. He ſcarce ſucks ſuch 'things by the Claw.

See more of this large Diſcovery in the Hiſtories of Mr. *L'Eſtrange* and Mr. *Sanderſon.*

The Concluſion of the whole Diſcovery endeth in theſe words;

The concluſion of the Diſcovery.

'THeſe things being thus ordered, if every thing be laid to the bal-'lance, it will ſatisfie in ſpecial all the Articles propounded; 'wherein,

'1. The Conſpiracy againſt the King and Lord Arch-Biſhop is 'detected, and the means whereby ruine is threatned to both demon-'ſtrated.

'2. The Imminent dangers to both Kingdoms are rehearſed.

'3. The Riſe and Progreſs of that *Scotiſh* Fire is related.

'4. Means whereby theſe *Scotiſh* troubles may be appeaſed are ſug-'geſted; for after the *Scots* ſhall know by whom and to what end 'their minds are incenſed, they will ſpeedily look to themſelves, nei-'ther will they ſuffer the Forces of both parts to be ſubdued, leſt a 'middle Party interpoſe, which ſeeks the Ruine of both.

'5. With what Sword the Kings Throat is aſſaulted, even when 'theſe ſtirs ſhall be ended, *Cuneus* his Confeſſion, and a viſible De-'monſtration ſheweth.

'6. The Place of the Aſſembly in the Houſe of Captain *Read* is 'nominated.

'7. The day of the eight dayes diſpatch by *Read* and the Legat is 'preſcribed.

'8. How the names of the Conſpirators may be known.

'9. Where this whole Congregation may be circumvented.

'10. Some of the principal unfaithful ones of the King's Party are 'notified by name; many of whoſe names occur not, yet their habi-'tations are known, their names may be eaſily extorted from *Read.*

'If theſe be warily proceeded in, the ſtrength of the whole buſi-'neſs will be brought to Light, ſo the Arrow being foreſeen, the dan-'ger ſhall be avoided; Which that it may proſperouſly ſucceed, the 'Omnipotent Creator grant.

The Arch-Biſhops Indorſement with his own hand,

Received Octob. 14. 1640. *The Narration of the great Treaſon, con-cerning which the Diſcoverer promiſeth to Sir* William Boſwell *to diſcover, which is againſt the King and State.*

Whereas

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WHereas the ſaid large diſcovery gives a particular Character of Sr. *Toby Mathew* an *Engliſh* man, a Jeſuite and Prieſt, we ſhall offer to the Conſideration of the Reader the Popes Bull granted unto him, a Copy of which was found among the Papers of Mr. Secretary *Windebanke*. By which Bull it doth appear, that Count *Roſſetti* the Popes *Nuntio* was committed to take the Care and Tutelage of Sr. *Toby*; hoping that the *Nuntio*, aſſiſted by his Counſels, would produce no ſmall fruits to the Catholick Church through the help of the female *Amazons* there, to reſtore the Authority of the See Apoſtolick in the Kingdom of *England*: the Copy whereof followeth.

Dilecto Filio Tobiæ Matheo, Societat. Jeſu Sacerdoti, Urbanus Papa VIII.

Pope Urbane VIII. *to his beloved Son* Tobias Mathew *Prieſt, and one of the Order of the Jeſuites.*

The Popes Bull to Sr. *Toby Mathew.*

Dilecte Fili, ſalutem & Apoſtolicam benedictionem. Ardens animarum zelus quo jam à tot annis in vinea domini laborando ſtrenuum te militem exhibuiſti, promeretur ut tuæ virtuti debitam laudem reddamus. Sanè magna cum exultatione audivimus labores quos ſuſtines ut ſedis Apoſtolicæ amplitudinem augeas, & quo charitatis zelo omnibus omnia fias, ut omnes lucrifacias. Decet certè te virum Apoſtolicum, magni Apoſtoli exemplo doctum, ut Judæis fias tanquam Judæus, & iis qui ſunt ſine lege, tanquam ſis ſine lege, dummodo ſedis Apoſtolicæ dignitatem promoveas: ideo cùm in magnam Britanniam mittere ſtatuerimus dilectum filium Comitem Roſſetti, *noſtrum & Sedis Apoſtolicæ cum poteſtate Legati à latere Nuntium, juvenem zelo Dei accenſum, Apoſtolicæ ſolicitudini noſtræ ſatisfactum credidimus, ſi eum tuæ curæ committeremus. Juſſimus igitur ut tibi communicet inſtru-*

BEloved Son, Health and Apoſtolical Benediction. Your burning zeal for the ſalvation of ſouls, by which for ſo many years you have approved your ſelf a diligent and faithful Workman in our Lords Vineyard, deſerveth its due praiſe and grateful remembrance from us. The truth is, the account of thoſe troubles that you have gone thorough for the enlargement of the greatneſs of the Apoſtolical See, and that charitable zeal, whereby you have become all things to all men, that you may gain ſome, we have heard with a great deal of rejoycing. It becometh indeed ſuch an Apoſtolical man (in imitation of the Grand Apoſtle) for the glory and dignity of the Apoſtolical See, to become as a Jew to the Jews, and as one without Law to thoſe who are without Law: Therefore when we had reſolved to ſend our beloved Son Count *Roſſetti* (a young man full of divine zeal) into *Britain* with power and authority of our Legate *à Latere* and *Nuntio* of the Apoſtolical See, we did account our ſelves freed and acquitted of all our Apoſtolical anxiety and duty, when we had recommended him to your care: and upon that account we have commanded him to communicate to you all thoſe inſtructions

ctiones ſibi datas, & à dilecto filio & Nepote noſtro, Franciſco *Sanctæ Reverendiſ. Eccleſiæ Card.* Barbarino *ſubſcriptas, Téque ab eo quo pro ſede Apoſtolica zelo ardes rogamus, & in quantum opus eſt, tibi mandamus, ut prædictum filium, & Nuntium noſtrum, in omnibus dirigas, moveas, inſtruas, lapſus & errores ejus, (qui per juventutem facilè accidere poſſunt) corrigas (ut ſedis Apoſtolicæ decor inviolatus permaneat) & ut denique in omnibus ei te Angelum cuſtodem præbeas. Magnam certè ſpem concepimus prædictum filium & Nuntium tuis conſiliis adjutum, non parvos in Eccleſia Catholica fructus producturum. Labora igitur, dilecte fili, opus fac Evangeliſtæ, miniſterium tuum imple, Catholicos zelo Dei accende, ipſos comforta, ſed præcipuè Amazones illas quæ (ut à dilecto filio* Georgio Conneo *audivimus) die ac nocte ſtrenuè decertant pro dignitate ſedis Apoſtolicæ. Non diffidimus de Domino, neque de potentia ejus, quia ſicut occaſione unius fœminæ, authoritas Sedis Apoſtolicæ in Regno Angliæ ſuppreſſa fuit, ſic nunc per tot Heroicas fœminas (illas imitantes quæ à* Galileo *ſequebantur Dominum) ſocietatem ejus aſſiduè ſequentes, brevi in eodem Regno reſtituenda ſit. Adhortare igitur illas ut opus aggreſſum viriliter proſequantur, & de ſede Apoſtolica (quæ devoti fœminei ſexus peculiarem Curam gerit) bene mereri pergant. Rogamus patrem Domini noſtri Jeſu Chriſti, ut tibi Spiritum ſanctum ſuum mittat, qui te in omnibus & per omnia cuſtodiat. Apoſtolicam noſtrámque benedictionem, dilecte fili, iterum atque iterum tibi impertimur. Datum* Romæ *apud S.* Petrum, *ſub annulo Piſcatoris pridie idus Maij.*

M

inſtructions which are given to him, and ſubſcribed by our beloved Son and Nephew, the moſt Reverend Cardinal *Franciſco Barbarino*; and we conjure you by that zeal and reſpect you have for the dignity of the Apoſtolical See, yea, we charge and command you, that (ſo far as it is needful) you not only direct, adviſe and inſtruct our foreſaid Son and *Nuntio* in all things, but that you correct all his eſcapes and errors (which by reaſon of his youth he may eaſily be guilty of) that the glory and Dignity of the Apoſtolical See, may remain chaſte and inviolate; and in ſhort, that in all things, you be to him an Angel-Guardian. We have indeed aſſured our ſelf of a plentiful harveſt from the labours of our foreſaid Son and *Nuntio* (by the help of your counſel) in the Catholick concern. Go on therefore beloved Son, do the work of an Evangeliſt, fulfil your Miniſtry, enkindle the Catholicks with a divine zeal: comfort them all, but chiefly thoſe *Amazones* and *Virago's* for the Catholick cauſe, who (as we have had an account from our beloved Son *George Conneo*) night and day do champion-like fight for the glory and dignity of the Apoſtolical See. We neither diſtruſt God nor his power; for as the authority of the Apoſtolical See was ſuppreſſed in the Kingdom of *England* by the power and influence of one Woman, ſo now we hope by the help of ſo many heroick and noble ſpirited Women, in a ſhort time to have it reſtored in that Kingdom to its antient right and glory again: Pray therefore exhort and encourage them, to proſecute with a Maſculine ſpirit the *deſign on foot*, and to go on in meriting from the Apoſtolical See, which hath an extraordinary and peculiar care and concern for that *devouter Sex*. We beſeech the Father of our Lord Jeſus Chriſt to ſend you

*An.*1649. you his holy Spirit to direct and preſerve you in all things. *Beloved Son*, we ſend you again and again both the Apoſtolical and our Benediction. Given under our Signet at *Rome* in St. *Peter*'s *Palace*, *prid. id. Maij.*

WE will make bold with Mr. *L'Eſtrange*'s Hiſtory, *page* 181. who after a large Account of the Diſcovery by *Habernefeld*'s means of the Plot, writeth further to the effect following:

An objection anſwered relating to the diſcovery, by Mr. *L'Eſtrange.*

'THey who will diligently compare this Information with what hath conformably occurred in the preceding parts of 'theſe Annals, and ſhall withal well conſider the practices both antient 'and modern of thoſe pragmatical ſpirits, will find cauſe enough to 'think there was in it ſomewhat more than fiction; and that it may 'make ſome impreſſion upon faith, without ſetting it upon the rack. 'Only one Objection I ſhall rid out of the way, which may ſeem to 'diſcredit the truth thereof. And it is this,

'The Arch-Biſhop of *Canterbury* ſtands aſperſed in common fame, 'as a great friend (at leaſt) and Patron of the Romiſh Catholicks, if 'he were not of the ſame belief: And it were a Policy miſ-becoming 'ſuch ſubtile Serpents cauſeleſly to plot the death of their ſo eminent 'well-wiſher. To which I anſwer, by conceſſion; True it is, he had 'too much and long favoured the Romiſh faction; but as upon what 'account he favoured them, is uncertain; ſo was it but the Romiſh fa-'ction (not the Romiſh faith) he favoured. He tampered indeed to 'introduce ſome Ceremonies bordering upon Superſtition, diſuſed by 'us, and abuſed by them; from whence the Romaniſts collected ſuch 'a diſpoſition in him to their Tenets, as they began not only to hope, 'but in good earneſt to cry him up for their Proſelyte. Upon this 'Hypotheſis, this ſuppoſition, they grew exceſſive proud and inſo-'lent, as well they might) knowing how grand a Confident and 'Truſtee he was of the Kings (had not their perſwaſion miſ-led 'them. But the Arch-Biſhop finding that his tacite reſervedneſs in 'point of Opinion, and former compliance with the Papiſts, was no 'longer expedient for his deſigns, and did begin to create ill boading 'Jealouſies in another party, reſolved to ſpeak out, and unbeguile 'them both. And firſt in the year 1637. openly at the Council 'Table, he paſſionately complained to the King of their audacious 'reſort to *Denmark-Houſe*, uſing ſome expreſſions of vehemency; 'more particularly againſt the haughty deportment of Mr. *Walter* 'Montague and Sr. *Tobias Mathew*. But that which moſt deſpighted 'them, was his publiſhing the next year the Relation of his Confe-'rence with the Jeſuite *Fiſher*; wherein he declared himſelf ſo little 'theirs, as he hath for ever diſ-abled them from being ſo much their 'own, as they were before; it being the exacteſt Maſter-piece of 'Polemique Divinity of all extant. Pity it is, his thoughts which 'were in other affairs a thought too high, had ſo fatal a diverſion 'from his ſtudies. But what one is excellent in every thing? Now 'the Arch-Biſhop thus profeſſedly owning the Proteſtant Cauſe; 'and having ſo potent an influence upon the King, it was no won-'der if he became formidable to the *Romaniſts*, as *Hannibal* was to 'the *Romans*; (and where *Hannibal* was, there his Enemies judged

the

16 Caroli.

'the *Life* and *Soul* of the *Carthaginian* ſtrength to reſide; and ſo by 'conſequence his deſtruction, the main concernment of their in-'tereſt.

WHereas the large Diſcovery before mentioned takes notice, that the Pope had given a Command to his *Nuntio* ſent into *England*, to make offer of a Cardinals Cap to the Arch-Biſhop of *Canterbury* in the Name of the Pope; which offer, till this diſcovery, was not known: but the Arch-Biſhop in his Diary (found among his Papers in the *Tower* about two years after the ſaid diſcovery) doth make ſome mention concerning the ſame: *viz.* Auguſt 4. 1633; *At* Greenwich, ſaith he, *there came one to me ſeriouſly, and that avowed Ability to perform it, and offered me to be a Cardinal.*

And likewiſe *Auguſt* 17. *Saturday*, I had a ſerious offer made me again to be a Cardinal. I was then from Court, but as ſoon as I came thither (which was *Wedneſday Auguſt* 21.) I acquainted his Majeſty with it: But my Anſwer again was, That ſomewhat dwelt within me, which would not ſuffer that, till *Rome* were otherwiſe than it is.

The Arch Biſhop having refuſed the Cardinals Cap, and the King having opened his mind ſo far, as that he was of opinion, that every one might be ſaved in his own Religion, ſo as he be an Honeſt and Pious man; they haſtened to paſs Sentence againſt the King, who was to be cut off by Poyſon.

Sr. Kenelme Digby *and Mr:* Walter Mountague *their examinations at the Barr of the Houſe of Commons, concerning the Popes* Nuntio, *and the Papiſts Contribution to the War againſt the* Scots, *&c.*

Sr. *Kenelme Digby* and Mr. *Mountague* examined by the Parliament.

IN *January* 1640. Sr. *Kenelme Digby* was called into the Houſe of Commons, and being demanded ſeveral Queſtions concerning the Inſtructions diſperſed to the Papiſts throughout *England* to lend Money to maintain the War againſt the *Scots*, and what Money was levied thereupon, and who were the Collectors, and how the Popes *Nuntio* came to be the chief man employed therein.

The Anſwer which he returned was to this purpoſe; 'That he 'did conſider before whom he did appear, and in whoſe preſence he 'ſpake, the graveſt and wiſeſt Aſſembly in the whole World, whoſe 'Majeſty is ſo great, that it might well diſorder his thoughts, and 'impede his expreſſions; That he was ſuddenly ſurpriſed with unex-'pected Queſtions; and apprehended there might be ſome diſlike in 'that honourable Houſe, of that which once he did conceive was an 'Act of Service and Merit. But ſince he is askt of things apart, he 'ſhall humbly repreſent what he can remember upon this occaſion, 'and what may be ſatisfactory to the Houſe. So he related the beginning of the buſineſs, and took along the Series as it went from ſtep to ſtep.

'About two years ſince (ſaid he) my ſelf with ſome others had 'a meeting concerning this buſineſs upon my Lord of *Traquair*'s 'coming out of *Scotland*, and repreſenting to the King ſome pro-

An. 1640.

'ceedings there much to the diſadvantage of his Majeſties affairs, 'inſomuch that his Majeſty with the advice of his Council, declared 'a War againſt the *Scots*. And his Majeſty did generally intimate, 'that his Neceſſities did require to be ſupplyed in the going on with 'the War. This intimation of his Majeſty was communicated to 'the ſeveral Judges of the Kingdom, to the Societies of the Inns of 'Court, to the Judges and others of the Civil Law, and to the City 'of *London* likewiſe; and more eſpecially to the Clergy of *London*. 'Having theſe Examples before our eyes, we conſidering our ſelves 'as dutiful Subjects though Recuſants, might as Subjects in this 'caſe follow the good examples of Loyalty to our Prince, which the 'Learned and others of the Land had done before us. The Queen 'hereupon was pleaſed to recommend to thoſe who were Catholicks 'of this Kingdom, to ſhew themſelves as forward as others were in 'ſerving of the King; and to each Catholick to ſpeak to his acquain-'tance to do the like. I was one of thoſe her Majeſty ſpake unto; 'whereupon I confeſs I did both in example and ſpeeches with 'others, encourage them to make what Contribution they could. 'But how to convey this Money that ſhould be thus contributed to 'the Army, I found it very difficult; conſidering it was to be gathered 'in ſeveral places of the Nation, and I had but little Correſpondency 'among the Catholicks of this Kingdom; there was a Gentleman 'that did take upon him to ſupply that care of mine; and that was 'Seigneur *Con*, who was Reſident here from the Pope I conceive to 'attend the Queen; whoſe acquaintance with the particular Per-'ſons of the Recuſants was beyond any others; and meetings were 'generally kept at his Houſe, in order to the advancement of this 'buſineſs: he alſo took upon him to name the perſons in every Coun-'ty who ſhould be the Collectors of the Money: and therefore we 'diſcourſed of Motives to induce them freely to contribute, (The 'chief whereof was, that his Majeſties Grace and Goodneſs had been 'much extended to Catholicks, conſidering how ſharp and Penal 'the Laws were againſt them) and ſo to ſeek by way of gratitude 'upon this occaſion to make return anſwerable. Other Motives there 'were, which were drawn by Siegn. *Con*, which I was not acquainted 'with; but he told me, he had ſent down ſuch Motives and Inſtructi-'ons as he thought were fit inducements upon that occaſion. And 'as to the Queſtion, What perſons I conſulted withal, there were at 'the meeting ſeveral times Sr. *John Winter* the Queens Secretary, 'Sr. *Baſil Brookes*, Mr. *Mountague*, and one Mr. *Foſter*, who was a 'perſon Seigneur *Con* had particular confidence in. For the parti-'cular ſumms received, I am not able to give a particular account, 'for my attendance was not long upon that ſervice. I remember 'Ten Thouſand Pounds at one time paid into the Exchequer, and 'Two Thouſand Pounds at another time (for which Tallies were 'ſtruck) collected from Recuſants in theſe Southern parts; and 'Sir *Baſill Brookes* was nominated Treaſurer.; he kept the account, 'and managed the buſineſs. He ſaid he had dealt clearly and can-'didly with the Parliament, and declared as much as he knew in 'this buſineſs.

Mr. *Walter*

16 Car'.

Mr. *Walter Mountague* being afterwards called in and examined at the Bar of the Houſe of Commons, did acknowledge much of what was ſaid by Sr. *Kenelme Digby* for the Motives and inducements to the raiſing of theſe Moneys; and that the whole tranſaction of the buſineſs was at Seigneur *Con*'s houſe; and ſaid, that it is true, he is called the Popes *Nuntio*; but Mr. *Mountague* did not believe he was Commiſſionated by the Pope in that capacity; but rather that he comes from the Pope particularly to attend the Queens perſon, in order to matters of their Religion in reſerence to her Majeſty alone.

About two dayes after Sr. *Kenelme Digby* was again called into the Houſe, and demanded in what capacity Seigneur *Con* came into *England*, and how it came to paſs, he coming immediately from the Pope, ſhould be the principal in that buſineſs, and ſhould ſo willingly undertake the engagement of two Kingdoms in a bloody War?

To this he made anſwer, 'How his acquaintance came to be ſo great in the Nation he could not tell; but ſure he was, that his intereſt was greater than any intereſt Sr. *Kenelme Digby* had to advance the buſineſs; for the application was great unto him from Catholicks all over the Nation; that he doth not know of any particular Authority or Juriſdiction he had by any power from the Pope over the Catholicks of *England*, but as they ſay, he is a *Nuntio* or *Legat* of the Popes; though *Nuntio* is a word doth imply a different ſenſe; for if he do but come to keep a Civil Correſpondency between the Pope and the Queen, in that caſe he may be ſaid to be a *Nuntio*: But whether he was an Agent, ſo as to carry any Juriſdiction from the Pope, he doth not know, he cannot ſpeak it poſitively: he was willing to keep himſelf ignorant as much as he might of many things, having much leſs acquaintance with Catholicks, than is imagined he had. But as for Count *Rozetti*, he hath heard ſay, that he came with ſome Juriſdiction from the Pope; but had heard him (*Rozetti*) likewiſe ſay at *White-Hall*, that he did particularly renounce any ſuch Juriſdiction in *England* as was reported he had from the Pope.

Mr. *Mountague* was again interrogated upon theſe Queſtions, and made anſwer much to the purpoſe that Sr. *Kenelme Digby* had done.

TO promote the aforeſaid Contribution, the Queen wrote this Letter to be communicated to all the Roman Catholicks in *England*.

Henrietta Maria R.

The Queens Letter to the Papiſts about Contributions.

WE have ſo good a belief of the Loyalty and affection of his Majeſties Catholick Subjects, as we doubt not but upon this Occaſion that hath called his Majeſty into the Northern parts for the Defence of his Honour and Dominions, they will expreſs themſelves ſo affected as We have alwayes repreſented them to his Majeſty: So in this Common Conſent which hath appeared in the Nobility, Judges, Gentry and others, to forward his Majeſties ſervice by their Perſons and Eſtates, We have

An. 1640.

made no difficulty to anſwer for the ſame Correſpondency in his Catholick Subjects as Catholicks, notwithſtanding they have already concurred to this his Majeſties ſervice according to the quality whereof they are, when others of the ſame quality were called upon: For We believe that it became Us, who have been ſo often intereſſed in the ſolicitation of their benefits, to ſhew Our ſelves now in the perſwaſion of their Gratitudes. Therefore having already by his Majeſty by other means recommended to them this earneſt deſire of Ours to aſſiſt and ſerve his Majeſty by ſome conſiderable ſumm of Money freely and cheerfully preſented, We have thought fit (to the end that this Our deſire may be the more publick and more authoriſed) hereby to give you Commiſſion and direction to diſtribute Copies under Our hand of this teſtification thereof unto thoſe that have met in London *by Our direction about this buſineſs, and unto the ſeveral Collectors of every County. And as We preſume, the ſumm they will raiſe, will not be unworthy Our preſenting to the King; ſo ſhall We be very ſenſible of it as a particular reſpect to Our ſelves, and will endeavour in the moſt efficacious manner we can, to improve the merit of it, and to remove any apprehenſion of prejudice that any (who ſhall employ themſelves towards the ſucceſs of this buſineſs) may conceive: By this they may be aſſured that We will ſecure them from all ſuch objected Inconveniencies. And We are very confident, that this Our firſt Recommendation will be ſo complyed withal, as may not only afford us particular ſatisfaction, but alſo facilitation towards their own Advantages.*

IN purſuance of her Majeſties Letter, Mr. *Walter Mountague* and Sr. *Kenelme Digby* wrote to ſome of the principal of that Party as followeth:

Mr. *Mountague* & Sr. *Kenelme Digby*'s Letter on the ſame occaſion.

IT is ſufficiently already known to every one, what extraordinary Graces and protections we owe the Queens Majeſty, to whoſe favourable interceſſion we muſt aſcribe the happy moderation we live under: So as we doubt not, but an occaſion of the expreſſion of our Gratitudes will very joyfully be embraced by every body in this preſent eſtate of his Majeſties affairs. We have already by our former Letters endeavoured to prepare you to a cheerful aſſiſtance of his Majeſty in his declared Journey to the Northern parts, for the ſecuring of this Kingdom, and ſuch other purpoſes as his Royal Wiſdom ſhall reſolve of, that ſo you may really demonſtrate your ſelves as good Subjects as God and Nature requires of you. Now her Majeſty hath been graciouſly pleaſed to recommend unto us the expreſſions of our duties and zeal to his Majeſties ſervice; by ſome conſiderable Gift from the Catholicks, and to remove all ſcruples (that even well affected perſons may meet with,) ſhe undertakes to ſecure us and all that ſhall employ themſelves in this buſineſs, from any inconvenience that may be ſuſpected by their or our forwardneſs and declaration in this kind. It will eaſily appear to every body, how much it imports us in our ſenſe of his Majeſties deſires, to preſs every body to ſtrain himſelf even to his beſt abilities in this propoſition, ſince by it we ſhall certainly preſerve his gracefulneſs to us, and give good Characters of our devotion to the King and State, of whoſe benignity we have all reaſon to give teſtimonies, and to endeavour to produce Arguments for the proſecution and encreaſe of it.

Now for the beſt expedition of this buſineſs (which is the chief Circumſtance that importeth in it) we have thought fit to recommend it to

your

16 *Caroli.*

your Nominations of ſuch perſons as ſhall in your opinions be agreed for the ableſt and beſt diſpoſed in every ſeveral County, not only to ſolicite, but collect ſuch voluntary Contributions, as every bodies Conſcience and duty ſhall proffer. And we ſhall deſire you to give us an account of what acceptation this finds; which we cannot but expect very ſucceſsful and anſwerable to the forwardneſs we meet with here about London; *for which we ſhall offer up our prayers to God.*

W. Mountague,

Ke. Digby.

ANother Letter was ſent from thoſe aſſembled at *London* to ſome of the Romiſh Clergy, with inſtructions incloſed, to be delivered by them to ſuch perſons as they concerned in order to the ſame buſineſs.

A Letter from ſome aſſembled at *London*, about the ſame buſineſs.

THe incloſed Advices and Motives being ſo ample, as you will perceive by peruſing them, it will not be needful that we enlarge our ſelves upon any particulars concerning the conduct of the buſineſs which they direct the way in: this therefore ſerveth only to convey them to you (as we are intreated by thoſe that have met here, and have undertaken to do) and deſire you to repair immediately unto thoſe perſons unto whom they be directed, and to deliver the ſame unto them in the name of all the Noble-men and Gentry (together with our ſelves) aſſembled here at London *by the Queens commandment, to ſet forward this work. And we pray you aſſure them in the moſt efficacious manner you can (engaging all our Credits for the Truſt thereof) that it is the ſenſe of us all, both Eccleſiaſtical and Lay perſons, that beſides the diſcharging of their and our duties to God and the King, it mainly importeth the good of the Catholicks, to have their buſineſs take good ſucceſs. Therefore intreat them to deal Actively and Efficaciouſly and ſpeedily according to theſe Advices and Motives. We are ſo well perſwaded of their devotion to put forward ſo pious a work, that we doubt not, but they will be as well ſatisfied in the needfulneſs of the thing, and be as ready to employ themſelves in it, receiving the aſſurance thereof, and perſwaſions thereunto, only from our hands, as if they came by all the formal ways that can be imagined, which in a buſineſs of this nature cannot be expected. And although the Advices and Motives be directed only to the Lay Gentlemen, yet we deſire you (and have anſwered for you) that you will employ your ſelves, and all thoſe that depend upon you, ſincerely to ſolicite and diſpoſe all their minds that you have relation unto, as powerfully as you can, to contribute cheerfully and bountifully upon this occaſion; which as it is the firſt that ever we laboured in of this kind, ſo we hope in God it will be the laſt; there being no probability of ſo preſſing and urgent Neceſſity to occurr any more.*

The

An. 1640.

The Remonſtrance of both Houſes of Parliament unto the King, delivered by the Lord Keeper, January 29. 1640.

May it pleaſe your Majeſty,

Concerning Prieſts and Jeſuites.

'YOur Loyal Subjects, the Lords and Commons now aſſembled by your Majeſties Writ in the High Court of Parliament, 'humbly repreſent unto your gracious conſideration, That *Jeſuites* 'and *Prieſts* ordained by Authority from the *See* of *Rome*, remaining 'in this Realm, by a Statute made in the twenty ſeventh year of 'Queen *Elizabeth*, are declared Traytors, and to *ſuffer as Traytors*.

27 Eliz. c. 2.

'That this Law is not ſo rigorous, as ſome apprehend, or would 'have others to believe; for that it is reſtrained to the *natural born* 'Subjects only, and doth not extend to any ſtrangers at all.

1 Jac. c. 4.

'That it is enacted in the firſt year of King *James*, That all Sta- 'tutes made in the time of Queen *Elizabeth* againſt Prieſts and Je- 'ſuites, be put in due and exact execution.

'And for further aſſurance of the due execution of theſe Laws, 'the Statute of the third year of King *James* invites men to the diſco- 'very of the offendors, by rewarding them with a conſiderable part of 'the forfeiture of the Recuſants eſtate.

'So that the Statute of Queen *Elizabeth* is not only approved, but 'by the Judgement of ſeveral Parliaments in the time of King *James* 'of happy memory, adjudged fit and neceſſary to be put in exe- 'cution.

'That conſidering the ſtate and condition of this preſent time they 'conceive this Law to be more neceſſary to be put in ſtrict executi- 'on, than at any time before; and that for divers weighty and con- 'ſiderable reaſons: *viz.* for that by divers *Petitions* from the ſeveral 'parts of this Kingdom, *Complaints* are made of the great encreaſe 'of Popery and Superſtition, and the people call earneſtly to have 'the Laws againſt Recuſants put in Execution; *Prieſts* and *Jeſuites* 'ſwarm in great abundance in this Kingdom, and appear here with 'ſuch boldneſs and confidence, as if there were no Laws againſt 'them.

'That it appears unto the Houſe of Commons by proof, That of 'late years about the City of *London*, Prieſts and Jeſuites have been '*diſcharged out of Priſon*, many of them being condemned of High 'Treaſon.

'They are credibly informed, That at this preſent the *Pope hath* '*a Nuntio* or Agent reſident in this City, and they have a juſt cauſe 'to believe the ſame to be true.

'The Papiſts, as publickly, and with as much confidence and im- 'portunity reſort to *Maſs* at *Denmark-Houſe* and at *St. James's*, and 'the Embaſſadors Chappels, as others do to their Pariſh Churches: 'They conceive the not putting of theſe Statutes in execution 'againſt Prieſts and Jeſuites, is a principal cauſe of the encreaſe of 'Popery.

'That the putting of theſe Laws in execution, tendeth not only 'to the preſervation and advancement of the true Religion eſtabli- 'ſhed in this Kingdom, but alſo the ſafety of your Majeſties Perſon, 'and

'and ſecurity of the State and Government, which were the prin-
'cipal cauſes of the making of the Laws againſt Prieſts and Je-
'ſuites, as is manifeſtly declared in the Preamble of the Laws them-
'ſelves, which are the beſt Interpreters of the minds of the Makers
'of them.

'And becauſe the words being penned by the Advice and Wiſdom
'of the whole State, are much more full and clear, than any particu-
'lar mans expreſſion can be; they were therefore read as they
'are vouched; thoſe of the twenty ſeventh year of Queen *Elizabeth*
'being thus: *viz.*

'That the Prieſts and Jeſuites come hither, not only to draw the
'Subjects from their true obedience to the Queen; but alſo to ſtir
'up Sedition, Rebellion and open Hoſtility within the Realm, to the
'great endangering of the ſafety of her Royal Perſon, and to the
'utter ruine, deſolation and overthrow of the whole Kingdom, if
'not timely prevented: and the tenour of the words of the third
'year of King *James* are in this manner: *viz.*

'Whereas divers Jeſuites and Prieſts do withdraw many of his
'Majeſties Subjects from the true ſervice of Almighty God, and
'the Religion eſtabliſhed within this Realm to the *Romiſh* Religion,
'and from their loyal obedience to his Majeſty; and have of late ſe-
'cretly perſwaded divers Recuſants and Papiſts, and encouraged and
'emboldned them to commit moſt damnable Treaſons, tending to
'the overthrow of the whole State and Common-wealth; if God of
'his goodneſs and mercy had not within few hours of the intended
'execution thereof, revealed and diſcloſed the ſame.

'The Houſes did further inform, that ſome Jeſuites and Prieſts
'had been executed in the time of Queen *Elizabeth* and King *James*
'of happy memory; and when any of them have received mercy, it
'was in ſuch a time, and upon ſuch Circumſtances, as that the ſame
'might be extended to them without danger; whereas now of late,
'there hath been a great apprehenſion of endeavours by ſome ill
'Agents to ſubvert Religion: and at this preſent both Kingdoms
'have a general expectation of a thorough reformation.

'And there is already found ſo ill a conſequence of the late Re-
'prieve of *John Goodman* the Prieſt; that the Houſe of Commons
'having ſent to the Citizens of *London* for their aſſiſtance in the ad-
'vancement of Money, for the preſent and neceſſary ſupply of his
'Majeſties Army, and the relief of the Northern Counties; upon
'this occaſion, they have abſolutely denyed to furniſh the ſame:
'and how far the like diſcontent may be effuſed into other parts of
'the Kingdom, to the interruption of the levying of the Subſidies,
'the Houſes leave to your Majeſties conſideration. It is found that *Good-*
'*man the Prieſt* hath been twice formerly committed and diſcharged:
'That his reſidence now about *London*, was in abſolute contempt of
'your Majeſties Proclamation, as the Houſes are credibly informed,
'that he hath been ſometimes a Miniſter in the Church of *England*,
'and conſequently is an *Apoſtate*: both Houſes are very ſenſible, that
'any man ſhould preſume to intercede with your Majeſty in a caſe of
'ſo high a nature.

'They

An. 1640.

'They humbly desire, that a speedy course may be taken for the 'due execution of the Laws against the Priests and Jesuites, that all 'mischiefs before mentioned may be timely remedied by your Ma-'jesties great Wisdom.

'And Lastly, That *Goodman* the Priest be left to the Justice of 'the Law.

To which the King makes answer to this effect.

The Kings Answer.

That it was against his mind, that Popery or Superstition should any way encrease within this Kingdom; that he will restrain the same, by causing the Laws to be put in execution.

That he is resolved to provide against Jesuites and Papists, by setting forth a Proclamation speedily, commanding them to depart the Kingdom within one Month; of which if they fail, or shall return, then they shall be proceeded against according to Law.

Concerning the Popes Nuntio (Rossetti) *he hath no Commission, but only to retain Correspondency between the Queen and the Pope, in things requisite for the exercise of her Religion, which is warranted to her by the Articles of Marriage, which gave her a full liberty of Conscience: yet he hath perswaded her, that since the misunderstanding of that persons condition gives offence, she will within a time convenient remove him.*

Moreover, he will take special care to restrain his Subjects from resorting to Mass at Denmark-House, St. James's, *and the Chappels of Embassadors.*'

Lastly, Concerning Goodman, *because he will avoid the inconvenience of giving so great discontent to his people, as his mercy may produce; therefore he doth remit his particular case to both Houses. But he desired them to take into their considerations, the inconvenience that may upon this occasion fall upon his Subjects, and other Protestants abroad; especially, since it may seem to other States to be a severity.*

WHen the Author of these Collections came to the Press with this his Second Part, he had no intention to have gone further than to the third of *November* 1640. but finding his Collections to end as the King and his Nobles came from *York* after the Great Council there broke up and arrived at *London* immediately before the Parliament met; and finding the King in his Speech the first day at the opening of the Parliament, to take notice of the Proceedings at the Great Council, and at the Treaty at *Rippon*, the Author hath adventured to give an Account of some Proceedings of that Parliament during the first six Months, where many Speeches were made concerning the State and Condition of the Kingdom, and the Grievances the People had undergone: some of which Speeches you have at large, and Abstracts of others of them, with some few Remarkable Passages in the Parliament during that time.

The

16 Caroli

The Kings Majesties Speech at the Opening of the Parliament at *Westminster*, Novemb. 3. 1640.

The Kings Speech at the opening of the Parliament.

My Lords,

THE knowledge I had of the desires of my Scottish *Subjects, was the cause of my calling the last Assembly of Parliament: wherein had I been believed, I sincerely think, that things had not fallen out as now we see. But it is no wonder, that men are so slow to believe that so great a Sedition should be raised on so little Ground. But now my Lords and Gentlemen, the Honour and Safety of this Kingdom lying so near at the stake, I am resolved to put my self freely and clearly on the love and affection of my* English *Subjects, as these of my Lords as did wait on me at* York, *very well remember I there declared.*

Therefore my Lords, I shall not mention mine own Interest, or that support I might justly expect from you, till the Common Safety be secured; though I must tell you, I am not ashamed to say, those Charges I have been at, have been meerly for the securing and good of this Kingdom, though the success hath not been answerable to my desires: therefore I shall only desire you to consider the best way both for the Safety and Security of this Kingdom; wherein there are two Parts chiefly considerable. First, The Chastising out of the Rebells; *and Secondly, That other, in satisfying your just Grievances, wherein I shall promise you to concur so heartily and clearly with you, that all the World may see my Intentions have ever been and shall be to make this a Glorious and Flourishing Kingdom. There are only two things that I shall mention to you; First, The one is to tell you, that the Loan of Money which I lately had from the City of* London, *wherein the Lords that waited on me at* York *assisted me, will only maintain my Army for two Months from the beginning of that time it was granted. Now my Lords and Gentlemen, I leave it to your considerations, what Dishonour and Mischief it might be, in case for want of Money, my Army be disbanded before the Rebells be put out of this Kingdom. Secondly, The securing the Calamities the Northern People endure at this time, and so long as the Treaty is on foot: And in this I may say, not only they, but all this Kingdom will suffer the harm: therefore I leave this also to your consideration, for the ordering of these great affairs, whereof you are to treat at this time. I am so confident of your love to me, and that your care is for the Honour and Safety of the Kingdom, that I shall freely and willingly leave to you where to begin. Only this, that you may the better know the State of all the affairs, I have commanded my Lord Keeper to give you a short and free Account of these things that have happened in this Interim; with this Protestation, That if this Account be not satisfactory as it ought to be, I shall whensoever you desire, give you a full and perfect Account of every particular. One thing more I desire of you, as one of the greatest means to make this a happy Parliament, That you on your parts, as I on mine, lay aside all suspicion one of another, as I promised my Lords at* York; *It shall not be my fault, if this be not a happy and good Parliament.*

An. 1640.

The Kings Majesties Speech in Parliament the fifth of *November*; 640. when he declared his Approbation of *William Lenthall* of *Lincolns-Inn*, Esq; to be Speaker.

My Lords,

I *Do expect, that you will hastily make relation to the House of Commons of those great affairs for which I have called you hither at this time, and so the trust I have reposed in them; and how freely I put my self on their Love and Affections at that time: And that you may know the better how to do so, I shall explain my self as concerning one thing I spake the last day: I told you, that the Rebels must be put out of this Kingdom. Its true, I must needs call them so, so long as they have an Army that do invade us: And although I am under Treaty with them, and I under my Great Seal do call them my Subjects, and so they are too: But the State of my Affairs in short is this; It's true, I did expect when I did will my Lords and Great Ones at* York, *to have given a Gracious Answer to all their Grievances; for I was in good hopes by their Wisdoms and Assistances, to have made an end of that business. But I must tell you, that my Subjects of* Scotland *did so delay them, that it was not possible to end there: therefore I can no wayes blame my Lords that were at* Rippon, *that the Treaty was not ended; but must thank them for their pains and Industry: and certainly had they as much power as affections, I should by that time have brought these distempers to a happy Period: so that now the Treaty is transported from* Rippon *to* London, *where I shall conclude nothing without your knowledge, and I doubt not but by your approbation: for I do not desire to have this great Work done in a Corner; for I shall lay open all the steps of this Misunderstanding, and Causes of the great difference between me and my Subjects of* Scotland; *and I doubt not but by your assistance, to make them know their duty, and to make them return whether they will or no.*

* Since Lord Chancellor to King *Charles* the second, and was with the King at *Oxford* during the War.

* *Mr.* Edward Hide, *Of a Crying Grievance in the* North.

Mr. *Edward Hide*, Of a crying Grievance in the North.

My Lords,

'I Am commanded by the Knights, Citizens and Burgesses of the 'House of Commons, to present to your Lordships a great and 'crying Grievance, which though it be complained of in the pre-'sent pressures, but by the Northern parts, yet by the Logick and con-'sequence of it, it is the Grievance of the whole Kingdom. The 'Court of the President of the North, or as it is more usually cal-'led, the *Courts of York*, which by the spirit and ambition of the 'Ministers trusted there, or by the natural inclination of Courts to 'enlarge their own Power and Jurisdiction, hath so prodigiously 'broken down the Banks of the first Channel in which it ran, as it 'hath almost overwhelmed that Countrey under the Sea of Arbitra-'ry power, and involved the people in a Labyrinth of distemper, op-'pression and poverty.

My

'My Lord of *Strafford* came to that Government, in *December* '4 *Caroli*, and ſince the Commiſſion hath been three ſeveral times re- 'newed. But into that Commiſſion of the 8 and 13 years of the King's 'Raign, a new clauſe was inſerted for the granting, ſequeſtring and 'eſtabliſhing poſſeſſions according to inſtructions, which crowded in 'a Maſs of new exorbitant and intolerable power; our complaint is 'againſt this Commiſſion it ſelf, and againſt the whole body of 'thoſe inſtructions. 16 *Caroli*.

'The ninth Inſtruction requires an obedience to ſuch Ordinances 'and determinations, as be or ſhall be made by the Council Table, or 'High Commiſſion Court. A grievance of ſo tranſcendent a na- 'ture, that your Lordſhips noble Juſtice will provide a Remedy for 'it, with no leſs care than you would reſcue the life and blood of the 'Common-Wealth. There are among them in the whole 58 in- 'ſtructions, ſcarce one that is not againſt, or beſides the Law.

'Whether his Majeſty may cantonize out a part of his Kingdom 'to be tryed by Commiſſion, though according to the rules of Law, 'ſince the whole Kingdom is under the Laws and Government of 'the Court eſtabliſhed at *Weſtminſter*, and by this reaſon the ſeveral 'parts of the Kingdom may be deprived of that priviledge, will not 'be now the queſtion; That his Majeſty cannot by Commiſſion 'erect a new Court of *Chancery*, or a proceeding according to the 'rules of the *Star-Chamber* is moſt clear to all who have read *Magna* '*Charta*, which allowed no proceedings, *niſi per legale judicium Pari-* '*um, & per legem terræ*.

* Geo. *Lord* Digby, *Of Grievances in the* Weſt.

* He was with the King at *Oxford* during the War.

Geo. Lord *Digby*, Of Grievances in the *Weſt*.

Mr. Speaker,

'YOU have received now a ſolemn account from the moſt of 'the Shires of *England*, of the ſeveral grievances and oppreſſi- 'ons they ſuſtain, and nothing as yet for *Dorſetſhire*.

'It's true Mr. *Speaker*, the County of *Dorſet* hath not digeſted its 'complaints into that formal way of Petition, which others (I ſee) 'have done. But the County of *Dorſet* have intruſted their Com- 'plaints to my Partner and my delivery of them by word of mouth, 'unto this Honourable Houſe, and there was given unto us in the 'County-Court the day of our election, a ſhort memorial of the 'heads of them, which was read in the hearing of the Free-holders 'there preſent, who all unanimouſly with one voice ſignified upon 'each particular, that it was their deſire, that we ſhould repreſent 'them to the Parliament, which with your leave I ſhall do, and theſe 'they are.

'1. The great and intolerable burthen of *Ship-money*, touching the 'legality whereof they are unſatisfied.

'2. The many great abuſes in preſſing of Souldiers and raiſing 'moneys concerning the ſame.

'3. The multitude of Monopolies.

'4. The new Canon, and the Oath to be taken by Lawyers, Di- 'vines, *&c.*

'5. The Oath required to be taken by Church-Officers, to pre- 'ſent according to Articles new and unuſual.

An. 1640.

'Besides this, there was likewise presented to us by a very considerable part of the Clergy of that County, a note of remembrance containing these two particulars.

'First, The imposition of a new Oath, required to be taken by all 'Ministers and others: which they conceive to be illegal, and such 'as they cannot take with a good conscience.

'Secondly, The requiring of a pretended benevolence, but in ef- 'fect a *Subsidy*, under the penalty of suspension, excommunication 'and deprivation, all benefit of appeal excluded.

This is all we had particularly in charge.

He was with the King at *Oxford* during the War.

* *Sir* Jo. Culpepper, *Of Grievances in* Kent, *Monopolies*, &c.

Sir *Jo. Culpepper*, Of Grievances in *Kent*, Monopolies, *&c.*

Mr. Speaker,

'I Stand not up with the Petition in my hand as others have done 'before me, I have it in my Mouth, and in charge from them that 'sent me hither to present the Grievances of the County of *Kent*.

'1. The great encrease of Papists by the remiss Execution of 'those Laws which are made to suppress them.

'2. The intruding and countenancing of divers new Ceremonies 'in matters of Religion, as placing the Communion Table Altar- 'wise, and bowing or cringing to or towards the same.

'3. A great Grievance by the Military Charges; 1. of Coat and 'Conduct Money. 2. The Inhansing of the price of Gun-Powder, 'whereby the Trained Bands are discouraged in their Exercising. '3. The last Summer was Twelve Month a Thousand of our best 'Armes were taken from the Owners and sent into *Scotland*; The 'Compulsory way was this, if you will not send your Armes you 'shall go your selves, this had not wont to be done to the Trained 'Bands, a Militia of great strength and Honour, and of no charge to 'the King.

'The next Grievance is the *Canons*, besides the *Oath &c.* made by 'a Convocation that ended with the Parliament, yet afterwards the 'same men without any new Election were shuffled into a Sacred *Sy*- 'nod, and without Parliament assumed unto themselves Power to 'make Laws, to grant Benevolence and to meddle with our Free- 'hold concerning the same.

'The next *Grievance* is *Ship-money*, this cries aloud, it strikes the 'First-born of every Family, I mean our Inheritance. If the Laws 'give the King Power in any danger of the Kingdom whereof he is 'Judge, to impose what and when he please, we owe all that is left to 'the goodness of the King.

'There is one Grievance more, but it compriseth many, it is a 'nest of Wasps or swarm of Vermin which have over-crept the 'Land, I mean the Monopolies and Pollers of the People; these like 'the Frogs of *Egypt* have gotten Possession of our Dwellings, they 'sup in our Cup, they dip in our Dish, they sit by our Fire, we find 'them in the Wash-House and Powdring-Tub, they share with the 'Butler in his Box; They have Marked and Sealed us from Head 'to Foot, they will not abate ~~us~~ a pin; these are the *Leaches* that have 'sucked the Common-Wealth so hard that it is almost become 'Hectical.

Mr. Waller,

16 *Caroli*

* *Mr.* Waller, *Of Ship-money, Judges, and Intermiſſion of Parliaments.*

* He was ſentenced to ſuffer death for adhering to K. *Charles* I.

Mr. *Waller*, Of Ship-money, Judges, and Intermiſſion of Parliaments.

My Lords,

'THE Articles againſt Judge *Crawley* you have heard read, and 'they have told you how theſe *Brothers of the Coif* are become '*fratres in malo*, how theſe Sons of the Law have torn out the Bow-'els of their Mother.

'This Impoſition of *Ship-money* ſpringing from a pretended ne-'ceſſity, was it not enough that it was now grown Annual, but they 'muſt intail it upon the State for ever, at once making neceſſity in-'herent to the Crown, and ſlavery to the Subject? Neceſſity, which 'diſſolving all Law, is ſo much more prejudicial to his Majeſty, than 'to any of us, by how much the Law has inveſted his Royal State 'with a greater power, and ampler fortune; for ſo undoubted a 'truth it hath ever been, that Kings as well as Subjects are in-'volved in the confuſion which neceſſity produceth.

'That this was a ſuppoſititious impoſed neceſſity, and ſuch as they 'could remove when they pleaſed; at the laſt Convention in Parlia-'ment, a price was ſet upon it, *for twelve Subſidies you ſhall reverſe* '*this ſentence*; It may be ſaid, So much Money would have removed 'the preſent neceſſity; but here was a Rate ſet upon future neceſſi-'ty, For Twelve Subſidies you ſhall never ſuffer neceſſity again, you 'ſhall for ever aboliſh that Judgement; here this Myſtery is reveal-'ed, this viſor of neceſſity is pulled off, and now it appears this Parli-'ment of Judges had very frankly and bountifully preſented his 'Majeſty with Twelve Subſidies to be Levyed on your Lordſhips, 'and the Commons. Certainly there is no priviledge which 'more properly belongs to a Parliament, than to open the Purſe of 'the Subject, and yet theſe Judges, who are neither capable of ſit-'ting among us in the Houſe of Commons, nor with your Lord-'ſhips, otherwiſe than as your aſſiſtants, have not only aſſumed to 'themſelves this Priviledge of Parliament, but preſumed at once to 'make a preſent to the Crown of all that either your Lordſhips or 'the Commons of *England* do, or ſhall hereafter poſſeſs.

'On every County a ſhip is Annually impoſed, and who would 'not expect, but our Seas by this time ſhould be covered with the 'number of our Ships; Alas, my Lords, the daily complaints of the 'decay of our Navy tell us how ill *Ship-money* hath maintained the 'Soveraignty of the Seas, and by many Petitions which we receive 'from the Wives of thoſe miſerable Captives at *Algier* (being be-'tween four and five thouſand of our Countreymen) it doth evident-'ly appear that to make us ſlaves at home is not the way to keep us 'from being made ſlaves abroad; ſo far has this Judgement been 'from relieving the preſent, or preventing the future neceſſity, that 'as it changed our real propriety into the ſhadow of a propriety, ſo 'of a feigned it hath made a real neceſſity.

'Our known Diſcontents at home have been a concurrent cauſe 'to invite our Neighbours to viſit us ſo much to the expence and trou-'ble of both theſe Kingdoms.

'And

An. 1640.

'And here my Lords, I cannot but take notice of the moſt ſad effects of this oppreſſion, the ill influence it has had upon the ancient reputation and valour of the *Engliſh* Nation: and no wonder, for if it be true that oppreſſion makes a wiſe man mad, it may well ſuſpend the Courage of the Valiant.' The ſame happened to the *Romans*, when for renown in Armes they moſt excelled the reſt of the world; the ſtory is but ſhort, 'Twas in the time of the *Decemviri* (and I think the chief troublers of our State may make up that number:) the *Decemviri*, My Lords, had ſubverted the Laws, ſuſpended the Courts of Juſtice, and (which was the greateſt grievance both to the Nobility and People) had for ſome years omitted to aſſemble the Senate, which was their Parliament; This ſayes the Hiſtorian, did not only deject the *Romans*, and make them deſpair of their Liberty, but cauſed them to be leſs valued by their Neighbours: The *Sabines* take the advantage and invaded them: and now the *Decemviri* are forced to call the long deſired Senate, whereof the people were ſo glad, that *Hoſtibus belloque gratiam habuerunt*: This aſſembly breaks up in diſcontent; nevertheleſs the war proceeds, Forces are raiſed, led by ſome of the *Decemviri*, and with the *Sabines* they meet in the Field: I know your Lordſhips expect the event; my Authors words of his Countreymen are theſe, *ne quid ductu aut auſpicio Decemvirorum proſperè gereretur, vinci ſe patiebantur.* They choſe rather to ſuffer a preſent Diminution of honour, than by Victory to confirm the Tyranny of their new Maſters. At their return from this unfortunate expedition, after ſome diſtempers and expoſtulations of the people, another Senate, that is a ſecond Parliament is called, and there the *Decemviri* are queſtioned, deprived of their Authority, impriſoned, baniſhed, and ſome loſe their lives; and ſoon after this vindication of their Liberties, the *Romans* by their better ſucceſs made it appear to the world, that liberty and courage dwell in the ſame breeſt, and are never to be divorced. No doubt, my Lords, but your Juſtice ſhall have the like effect upon this diſpirited people; 'Tis not the reſtauration of our ancient Laws alone, but the reſtitution of our ancient Courage which is expected from your Lordſhips.

* *Mr.* Edward Hide *of Grievances by Judges in the caſe of Ship-money.*

My Lords,

'THere cannot be a greater Inſtance of a Sick and Languiſhing Common-Wealth, than the buſineſs of this day; Good God how have the Guilty theſe late years been puniſhed, when the Judges themſelves have been ſuch delinquents! 'Tis no marvel that an Irregular, Extravagant, Arbitrary Power like a Torrent hath broke in upon us, when our Banks and our Bullworks, the Laws, were in the Cuſtody of ſuch Perſons. Men who had loſt their Innocence could not preſerve their courage, nor could we look that they who had ſo viſibly undone us, themſelves ſhould have the Vertue or Credit to reſcue us from the oppreſſion of other men. 'Twas ſaid by one who alwayes ſpoke excellently, That the twelve Judges were like the twelve Lyons under the Throne of *Solomon*, under

* Afterwards Lord Chancellour of *England* to K. *Charles* I I.

Mr. *Ed. Hide*, Of Grievances by Judges in the caſe of Ship-money.

16 *Caroli.*

'under the Throne in obediences, but yet *Lyons*: Your Lordships 'shall this day hear of six, who (be they what they will be else) 'were no Lyons, but who upon vulgar Fears delivered up the Pre- 'tious Forts they were trusted with, almost without assault, and in 'a tame easie Trance of Flattery and Servitude, lost and forfeited '(shamefully forfeited) that Reputation, awe and Reverence, which 'the Wisdom, Courage and Gravity of their venerable Predecessors 'had contracted and fastned to the places they now hold.

Lord Digby, *Of Frequent Parliaments.*

Lord *Digby*, Of Frequent Parliaments.

Mr. Speaker,

'SUrely there is no man but will conclude with me, that as the want 'of Parliaments hath been the *Causa Causarum*, of all the mischiefs 'and distempers of the present times: so frequency of Parliaments 'is the sole Catholick Antidote, that can preserve and secure us for 'the future from the like danger.

'Let me yet draw my discourse a little nearer to his Majesty him- 'self, and tell you that the frequency of Parliament is most essential- 'ly necessary to the power, the security, the Glory of the King.

'There are two wayes of powerful rule, either by fear or love, but 'one is of a happy and safe rule, that is by love.

'To which *Camillus* advised the *Romans*, let a Prince consider what 'it is that moves a people principally to affection, and dearness to- 'wards their Soveraign, he shall see that there needs no other Artifice 'in it; than to let them enjoy unmolested what belongs unto them of 'right, and a wise Prince that would be happy, will fervently labour 'to regain Love.

* A Servant to K. *Charles* I. and Surveyor General in the Court of Wards.

* *Sir* Benj. Rudyard, *Of frequent Parliaments.*

Sir *Benj. Rudyard*, Of Frequent Parliaments.

'IT hath been boasted, that the King should never Call a Parlia- 'ment till he had no need of his people; these were words of Di- 'vision, and malignity. The King must alwayes according to his 'occasions have use of his peoples power, hearts, hands, purses. The 'people will alwayes have need of the Kings Clemency, Justice, Pro 'tection: And this reciprocation is the strongest, the sweetest 'Union.

'It hath been said too of late, That a Parliament will take away 'more from the King, than they will give him. It may well be said, 'that those things which will fall away of themselves, will enable 'the Subject to give him more than can be taken any way; *Projects* 'and *Monopolies* are but leaking Conduit-pipes; The *Exchequer* it self 'at the fullest, is but a Cistern, and now a broaken one; frequent Par- 'liaments only are the Fountain: and I do not doubt but in this 'Parliament, as we shall be free in our advices, so shall we be the 'more free of our Purses, that his Majesty may experimentally find 'the real difference of better Counsels, the true solid grounds of 'raising and establishing his greatness, never to be brought again (by 'Gods blessing) to such dangerous, such desperate perplexities.

Lord

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Lord Digby, *Of Intermiſſion and breaking of Parliaments.*

Lord *Digby*, Of Intermiſſion and breaking of Parliaments.

'AS it cannot be denyed, Mr. *Speaker*, that ſince the Conqueſt, 'there hath not been in this Kingdom a fuller concurrence of all 'Circumſtances, to have made a Kingdom happy, than for theſe 'twelve years laſt paſt; ſo it is moſt certain that there hath not been 'in all that deduction of Ages ſuch a conſpiracy (if one may ſo 'ſay) of all the Elements of miſchief, to bring a flouriſhing King-'dom (if it were poſſible) to ſwift ruine and deſolation.

'I will be bold to ſay (and I thank God, we have ſo good a King, 'under whom we may ſpeak boldly of the abuſe by ill Miniſters, 'without reflection upon his perſon) That an accumulation of all 'the publick Grievances ſince *Magna Charta*, put one upon another, 'unto that hour in which the *Petition of Right* paſt into an Act of 'Parliament; would not amount to ſo oppreſſive, I am ſure not to 'ſo deſtructive a height and magnitude, to the rights and property 'of the Subject, as one branch of our beſlaving, ſince the *Petition of* '*Right*.

'The branch I mean is the Judgement concerning *Ship-money*, 'this being a true repreſentation of *England* in both aſpects. As for 'unmatcht oppreſſion and enthralling of free Subjects in a time of the 'beſt Kings Reign, and in memory of the beſt Laws enacted in favour 'of Subjects liberty, let any man find a truer cauſe than the *ruptures* 'and *intermiſſion of Parliaments*. Let him and him alone be againſt 'the ſettling of an inevitable way, for the frequent holding of them.

''Tis true Sir, Wicked Miniſters have been the proximate cauſes 'of our miſeries; but the want of Parliaments the primary and the 'efficient cauſe.

'Ill Miniſters have made ill times, but that Sir hath made ill Mi-'niſters.

* *Lord* Faulkland, *Of Uniformity.*

* With the King at *Oxford* and ſlain at *Newberry* Fight.

Lord *Faulkland*, Of Uniformity.

'HE is a great ſtranger in *Iſrael* who knows not, that this King-'dom hath long laboured under many and great oppreſſions, 'both in Religion and liberty: and his acquaintance here is not great, 'or his ingenuity leſs who doth not both know and acknowledge, that 'a great if not a principal cauſe of both theſe, have been ſome Bi-'ſhops and their adherents.

'A little ſearch will ſerve to find them to have been the deſtruction 'of unity, under pretence of Uniformity, to have brought in Super-'ſtition and ſcandal, under the titles of reverence and decency, to have 'defiled our Church by adorning our Churches, to have ſlackned the 'ſtrictneſs of that union which was formerly between us and thoſe of 'our Religion beyond the Sea; an action as unpolitick as ungodly.

'We ſhall find them to have tythed Mint and Aniſe, and have 'left undone the weightier work of the Law; to have been leſs 'eager upon thoſe who damn our Church, than upon thoſe, 'who, upon weak conſcience and perhaps as weak reaſons '(the diſlike of ſome commanded Garment, or ſome uncom-'manded poſture) only abſtained from it: Nay, it hath been more 'dangerous for men to go to ſome Neighbours Pariſh, when they

'had

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'had no Sermon in their own, than to be obſtinate and perpetual Re-
'cuſants; while Maſſes have been ſaid in ſecurity, a Conventicle hath
'been a crime, and which is yet more, the conforming to Ceremo-
'nies hath been more exacted, than the conforming to Chriſtianity;
'and we ſhall find them to have been like the Hen in *Eſop*, which lay-
'ing every day an Egg, with ſuch a proportion of Barley, her Miſtris
'encreaſing her proportion in hopes ſhe would encreaſe her Eggs,
'ſhe grew ſo fat upon that addition, that ſhe never laid more: ſo
'though at firſt their preaching were the occaſion of their preferment,
'they after made their preferment the occaſion of their not Preach-
'ing.

* *Mr.* Bagſhaw, *About Epiſcopacy.*

* He was with the King at *Oxford* during the War.

Mr. *Bagſhaw*, about Epiſcopacy.

'I Do diſtinguiſh and ſuppoſe a twofold Epiſcopacy, the firſt in
'*Statu puro*, as it was in the primitive times: the ſecond in *ſtatu cor-*
'*rupto*, as it is at this day, and is ſo intended and meant in the *London-*
'*Petition*. Now I hold that Epiſcopacy in this latter ſence is to be
'taken into conſideration, as a thing that trencheth not only upon
'the right and liberties of the Subject (of which I ſhall have occaſion
'to ſpeak hereafter) but as it is now, it trencheth upon the Crown
'of *England* in theſe four particulars, wherein I know this houſe will
'willingly hear me.

'Firſt, It is maintained by the Biſhop of *Exeter* in a Book, which
'he hath writ to this purpoſe, that Epiſcopacy it ſelf, both in the
'office and in the Juriſdiction is, *jure divino*, of Divine Right;
'which poſition is directly contrary to the Laws of *England*, of
'which I will cite but two or three inſtead of many more. The
'Statute of *Carliſle*, 35 *Ed.* 1. mentioned in *Caudries* caſe, in the fifth
'report, ſaith, that the Church of *England* is founded in the ſtate of
'Prelacy by the Kings of *England* and their Progenitors, which like-
'wiſe appears by the firſt Chapter in *Magna Charta*, in theſe words,
'*Conceſſimus Deo & Eccleſiæ Anglicanæ omnes libertates, &c.* and in the
'twenty fifth year of *Edward* 3. in the French-Roll which I have ſeen,
'there the Arch-Biſhop and Clergy Petition the King for their Li-
'berties, in theſe words thus Engliſhed, *That for the Reverence of God*
'*and holy Church, and of his Grace and bounty, he will confirm all thoſe*
'*liberties, priviledges and rights, granted and given by him and his No-*
'*ble Progenitors, to the Church by their Charters:* which plainly ſhew-
'eth, that they have their Epiſcopal Juriſdiction from the Kings of
'*England*, and not *jure divino*, by divine right: and this likewiſe is ac-
'knowledged by themſelves in the Statute of 37 *H.* 8. *Cap.* 17. that
'they have their Epiſcopal juriſdiction, and all other Eccleſiaſtical
'juriſdiction whatſoever ſolely and only, by, from, and under the King.

'The ſecond thing that is trenching upon the Crown, is this, That
'it is ho'den at this day, that Epiſcopacy is inſeparable to the Crown
'of *England*; and therefore it is commonly now ſaid, *no Biſhop no*
'*King, no Mitre no Scepter*; which I utterly deny, for it is plain and
'apparent, that the Kings of *England* were long before Biſhops, and
'have a ſubſiſtence without them, and have done and may ſtill de-
'poſe them.

'The third is likewiſe conſiderable, as trenching upon the Crown,
'which is that was ſaid under the Gallery, that Epiſcopacy was a

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'third Eſtate in Parliament; and therefore the King and Parliament 'could not be without them. This I utterly deny; for there are 'three Eſtates without them, as namely, the King, who is the firſt 'Eſtate; the Lords Temporal the ſecond, and the Commons the 'third; and I know no fourth Eſtate. Beſides the Kings of *England* 'have had many Parliaments, wherein there have been no Biſhops 'at all: as for example, *Ed.* 1. 24. of his Reign held his Parliament 'at *Edmundsbury excluſo Clero*; and in the Parliament 7 *Rich.* 2. *cap.* 3. 'and 7 *R.* 2. 12. it doth appear, that they were enacted by the King, 'with the aſſent and agreement of the Lords Temporal and Com-'mons, where the Eſtates of Parliament are mentioned, and not the 'Clergy. Divers other Statutes might likewiſe be named to this 'purpoſe, which I omit.

'The fourth and laſt thing, is of the Biſhops holding of the Ec-'cleſiaſtical Courts in their own Names, and not in the Name of the 'King, nor by Commiſſion from him, contrary to the Statute of '1 *Ed.* 6. *cap.* 2. and contrary to the practice of Biſhop *Ridley*, *Cover-'dale* and *Ponnet*, who took Commiſſions from the King, for hold-'ing their Eccleſiaſtical Courts, as may be ſeen this day in the 'Rolls.

'And although it will be objected, That by a late Proclamation 'in the year of our Lord God 1637. wherein the Opinion of the 'Judges is mentioned, it is declared upon their Opinion, That the Act 'of 1 *Ed.* 6. was repealed, and that Biſhops may now keep Courts 'in their own Names, and ſend Proceſs under their own Seals; yet 'it is well known, that the Statute of 1 Queen *Mary*, which repealed 'the Statute of 1 *Ed.* 6. was it ſelf repealed by the Statute of 1 *Ja-'cobi cap.* 25. Whereupon it was holden upon a full debate of this 'point in Parliament 7 *Jac.* which I have ſeen, That upon conſidera-'tion of the Statutes of 1 *Jac.* and 1 *Eliz. cap.* 1. and 8 *Eliz. cap.* 1. 'that the Statute of the firſt of *Edward* the ſixth was revived, and 'that Biſhops ought not to keep Courts in their own Names: ſo 'that for theſe Reaſons ſo nearly concerning the Right of the 'Crown of *England* in the point of Epiſcopacy, I am for a thorough 'Reformation of all Abuſes and Grievances of Epiſcopacy; which 'Reformation may perhaps ſerve the turn, without alteration of the 'Government of *England*, into a form of Presbyterie, as it is in other 'Kingdoms, of *Scotland*, *France*, *Geneva* and the *Low Countreys*; 'which for mine own part, had I lived in theſe Kingdoms, I ſhould 'have been of the opinion of the Proteſtant Party in point of 'Presbyterie, *&c.*

Sr. Benjamin Rudyard *about Church Government.*

Sr. Benj. Rudyard, about Church Government.

'CErtainly Sir, This Superintendency of eminent men, Biſhops 'over divers Churches, is the moſt Primitive, the moſt ſpread-'ing, the moſt laſting Government of the Church; wherefore 'whilſt we are earneſt to take away Innovations, let us beware we 'bring not in the greateſt Innovation that ever was in *England*.

'I do very well know, what very many do very frequently deſire: 'But let us very well bethink our ſelves, Whether a popular Demo-'cratical Government of the Church (though fit for other places) will

'be

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'be either ſuitable or acceptable to a Regal Monarchical Government 'of the State?

'Every man can ſay, (it is ſo common and known a Truth) That 'ſuddain and great Changes both in Natural and Politick Bodies, have 'dangerous operations. And give me leave to ſay, That we can-'not preſently ſee to the end of ſuch a conſequence, eſpecially in ſo 'great a Kingdom as this; and where Epiſcopacy is ſo wrapped and 'involved in the Laws and Life of it.

Sr. Ed. Deering *about Epiſcopacy.*

Sr. *Ed. Deering* about Epiſcopacy.

'GIve me leave by word of mouth to interpoſe my thoughts of 'Gods true Religion, which is violently invaded by two 'ſeeming enemies; but indeed they are like *Herod* and *Pilate*, faſt 'friends for the deſtruction of truth: I mean the Papiſts for the one 'part, and our Prelating faction for the other. Between theſe two 'in their ſeveral progreſſes, I obſerve the concurrence of ſome few 'parallels, fit as I conceive to be repreſented to this honourable Houſe.

'Firſt, With the *Papiſts* there is a ſevere *Inquiſition*, and with us '(as it is uſed) there is a bitter *High Commiſſion*; both theſe *contra fas* '& *jus* are Judges in their own caſe: yet herein *their* Inquiſitors are 'better than *our* High Commiſſioners: they (for ought I ever 'heard) do not (*ſævire in ſuos*) puniſh for Delinquents and Of-'fenders, ſuch as profeſs and practiſe their Religion, according as it 'is eſtabliſhed by the Laws of the Land, where they live.

'But with us, how many poor diſtreſſed Miniſters, nay, how ma-'ny ſcores of them in a few years paſt have been ſuſpended, degra-'ded and excommunicated, though not guilty of the breach of any 'eſtabliſhed Laws? The Petitions of many are here with us, more are 'coming, all their prayers are in Heaven for their redreſs: Down 'therefore with theſe Money-changers: they do confeſs Commuta-'tion of Penance; and I may therefore moſt juſtly call them ſo.

'Secondly, With the *Papiſts* there is a myſterious artifice; I mean 'their *Index Expurgatorius*, whereby they clip the tongues of ſuch 'witneſſes, whoſe evidence they do not like. To theſe I parallel 'our late *Imprimators* Licenſers for the Preſs, ſo handled, that Truth 'is ſuppreſt, and Popiſh Pamphlets fly abroad *cum privilegio*: wit-'neſs the audacious Libells againſt true Religion, written by D. *C.* 'D. *D.* D. *P.* D. *M.* D. *S.* D. *S.* D. *R.* and many more: I name no 'Biſhops, but I add *&c.* Nay, they are already grown ſo bold in 'this new trade, that the moſt Learned Labours of our antient and 'beſt Divines, muſt be new corrected and defaced with a *Deliatur*, 'by the ſupercilious Pen of my Lords young Chaplain, fit perhaps 'for the Technical Arts, but unfit to hold the Chair for Divinity.

'But herein the *Roman Index* is better than our *Engliſh* Licences; 'they thereby do prove the current of their own eſtabliſhed Do-'ctrines, a point of Wiſdom; but with us our Innovators by this 'Artifice, do alter our ſetled Doctrines: nay, they do ſuperinduce 'points repugnant and contrary: and this I do affirm, and can take 'upon my ſelf to prove.

'One Parallel I have more, and that is this: Amongſt the Papiſts 'there is one acknowledged Pope, ſupream in honour over all, and 'in power; from whoſe Judgement there is no appeal. I confeſs

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'Mr. Speaker, I cannot altogether match a Pope with a Pope; yet 'one of the antient Titles of our *English* Primate, was *Alterius orbis* 'Papa; but thus far I can go, (*ex one suo*) it is in Print; he pleads 'fair for a *Patriarchal*; and for such a one whose Judgement (he be- 'forehand profesſeth) ought to be final; and then I am ſure it ought 'to be unerring: Put theſe two together, and you ſhall find, that 'the final determination of a Patriarch, will want very little of a 'Pope; and then we may ſay, *mutato nomine de te fabula narratur*: he 'pleadeth Popeſhip under the name of a Patriarch; and I much fear 'the end and top of his Patriarchal plea, may be as that of Cardinal 'Pool his Predeceſſor, who would have two Heads, one *Caput Re-* 'gale, the other *Caput Sacerdotale*, a proud parallel to ſet up the 'Miter above the Crown.

'But herein I ſhall be free and clear, if one there muſt be, be it a 'Pope, be it a Patriarch, this I reſolve upon for mine own choice; 'Procul à Jove, procul à fulmine, I had rather ſerve one as far as 'Tyber, than to have him come to me ſo near as the *Thames*: a Pope 'at *Rome* will do me leſs hurt, than a Patriarch may do at 'Lambeth.

'I have done, and for this third Parallel, ſubmit it to the Wiſ- 'dom and Conſideration of this Grave Committee for Religion: In 'the mean time, I do ground my motion upon the former two, and 'it is this in brief.

'That you would be pleaſed to ſelect a Sub-Committee of four, 'ſix, eight, nine, or ten at the moſt, and to impower them for the 'diſcovery of the great numbers of oppreſſed Miniſters, under the 'Biſhops tyranny for theſe ten years laſt paſt: we have the Com- 'plaints of ſome, but more are ſilent; ſome are patient and will not 'complain; others are fearful and dare not; many dead, and many 'beyond the Seas, and cannot complain.

'And in the ſecond place, That the Sub-Committee may examine 'the Printers, what Books by bad Licence have been corruptly iſſued 'forth; and what good Books have been (like good Miniſters) ſi- 'lenced, clipped or cropped.

'The work I conceive, will not be difficult, but will quickly re- 'turn into your hands, full of weight.

This is my Motion.

Sr. Benjamin Rudyard, *about Epiſcopal Clergy.*

Mr. Speaker,

Sr. *Benj. Rudyard*, about Epiſcopal Clergy.

'I Do verily believe, that there are many of the Clergy in our 'Church, who do think the ſimplicity of the Goſpel too mean 'a Vocation for them to ſerve in: They muſt have a ſpecious, pom- 'pous, ſumptuous Religion, with additionals of Temporal Great- 'neſs, Authority, Negotiation: notwithſtanding they all know bet- 'ter than I, that Fathers, School-men, Councils are againſt their 'mixing themſelves in Secular affairs.

'The *Roman* Ambition at length brings in the *Roman* Religion, 'and at laſt a haughty inſolency even againſt Supream Power it ſelf, 'if it be not timely and wiſely prevented.

'They have amongſt them an Apophthegm of their own making, 'which is, No *Miter*, no *Scepter*; when we know by dear experi-

'ence,

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'ence, that if the Miter be once in danger, they care not to throw 'the Scepter after; to confound the whole Kingdom for their 'intereſt.

'And Hiſtories will tell us; That whenſoever the Clergy went 'high, Monarchy ſtill went lower; if they could not make the Mo- 'narch the Head of their own Faction, they will be ſure to make 'him leſs: Witneſs one example for all, the Popes working the 'Emperour out of *Italy*.

'Some of ours, as ſoon as they are Biſhops, *adepto fine ceſſat Motus*, 'they will preach no longer; their Office then is to Govern. But 'in my opinion they govern worſe than they preach, though they 'preach not at all; for we ſee to what paſs their Government hath 'brought us.

A Branch of the Lord Digby's *Speech about Epiſcopacy.*

Mr. Speaker,

Lord *Digby*, about Epiſcopacy.

'I Know it is a tender ſubject I am to ſpeak of, wherein I believe 'ſome within theſe Walls, are engaged with earneſtneſs in con- 'trary opinions to mine; and therefore it will be neceſſary, that in 'the firſt place I beſeech the patience of this Houſe, that they will 'be pleaſed to hear me without interruption, though ſomewhat I 'ſay ſhould chance to be diſpleaſing; I hope there will be ſomewhat 'from me ere I conclude, that may be of ſervice to this Houſe.

Sir, If I thought there were no further deſign in the deſires of 'ſome, that this *London Petition* ſhould be committed, than meerly 'to make uſe of it as an *Index* of Grievance, I ſhould wink at the 'faults of it, and not much oppoſe it.

'There is no man within theſe Walls, more ſenſible of the heavy 'Grievance of Church Government, than my ſelf; nor whoſe affe- 'ctions are more keen to the clipping of thoſe wings of the Prelates, 'whereby they have mounted to ſuch inſolencies, nor whoſe zeal is 'more ardent to the ſearing them, ſo as that they may never ſpring 'again.

'But having reaſon to believe, that ſome aim at a total extirpation 'of Biſhops, which is againſt my heart, and that the committing of 'this Petition may give countenance to that deſign, I cannot reſtrain 'my ſelf from labouring to divert it, or at leaſt, to ſet ſuch notes 'upon it, as may make it ineffectual to that end.

'Truly *Sir*, When this Petition was firſt brought into the Houſe, I 'conſidered it in its nature, in the manner of the delivery of it in 'the preſent conjuncture of affairs, both Eccleſiaſtical and Civil, to 'be a thing of the higheſt conſequence that any Age hath preſented 'to a Parliament and the ſame thoughts I have of it ſtill.

'I profeſs I looked upon it then with terrour, as upon a Comet or 'Blazing Star, raiſed and kindled out of the ſtench, out of the poy- 'ſonous exhalation of a corrupted Hierarchy: Methought the Co- 'met had a terrible tail with it, *Sir*, and pointed to the North; the 'ſame fears dwell with me ſtill concerning it, (and I beſeech God 'they may not prove Prophetical:) I fear all the prudence, all the 'forecaſt, all the vertue of this Houſe, how unitedly ſoever collected, 'how vigorouſly applyed, will have a hard work of it. Yet to hin- 'der this Meteor from cauſing ſuch Diſtempers and Combuſtions by

'his

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'his influence, as it then portended by its appearance; whatever 'the event be, I ſhall diſcharge my Conſcience againſt it, freely 'and uprightly, as unbyaſt by popularity, as by any Court reſpects, *&c.*

Of Epiſcopacy Jure Divino, *yet perhaps formalized by the Apoſtles.*

A Branch of the Arch-Biſhop of *Canterbury* his Letter to D. *Hall* Biſhop of *Exeter*.

THe reſt of your Lordſhips Letter is fitter to be anſwered by my own hand, and ſo you have it; and ſince you are pleaſed ſo worthily and Brother-like to acquaint me with the whole Plot of your intended work, and to yield it up to my Cenſure and better Advice (ſo you are pleaſed to write) I do not only thank you heartily for it, but ſhall in the ſame Brotherly way, and with equal freedom put ſome few Animadverſions, ſuch as occurr on the ſuddain, to your further conſideration, aiming at nothing but what you do, the Perfection of the work, in which ſo much is concerned.

And firſt for Mr. George Graham, *I leave you free to work upon his buſineſs and his ignorance as you pleaſe, aſſuring my ſelf, that you will not depart from the gravity of your ſelf, or the cauſe therein. Next you ſay in the firſt Head, That Epiſcopacy is an Antient, Holy and Divine Inſtitution. It muſt needs be Antient and Holy, if Divine: Would it not be more full, went it thus? So Antient as that it is of Divine Inſtitution. Then you define Epiſcopacy by being joyned with Imparity, and Superiority of Juriſdiction: this ſeems ſhort, for every Arch-Presbyters, or Arch-Deacons place is ſo; yea, and ſo was Mr.* Henderſon *in his Chair at* Glaſgow; *unleſs you will define it by a diſtinction of Order: I draw the Superiority not from that Juriſdiction which is attributed to Biſhops* Jure Poſitivo, *in their Audience of Eccleſiaſtical Matters, but from that which is Intrinſecal and Original in the Power of Excommunication.*

Since they challenge their Presbyterian Fiction to be Chriſts Kingdom and Ordinance (as your ſelf expreſſeth) and caſt out Epiſcopacy as oppoſite to it, we muſt not uſe any Mincing terms, but unmask them plainly: nor ſhall I ever give way to hamper our ſelves for fear of ſpeaking plain truth, though it be againſt Amſterdam *or* Geneva: *and this muſt be ſadly thought on. Concerning your* Poſtulata, *I ſhall pray you to allow me the like freedom; among which, the two firſt are true; but (as expreſt) too Reſtrictive: for Epiſcopacy is not ſo to be aſſerted to Apoſtolical Inſtitution, as to bar it from looking higher, and from fetching it Materially and Originally in the ground and intention of it, from Chriſt himſelf; though perhaps the Apoſtles Formalized it. And here give me leave a little to enlarge. The Adverſaries of Epiſcopacy are not only the furious* Aerian *Hereticks (out of which are now raiſed* Prynne, Baſtwick *and our* Scottiſh *Maſters) but ſome alſo of a Mild and Subtiller ſort, both in the* Genevian *and* Roman *Faction; and it will become the Church of* England *ſo to vindicate it againſt the furious* Puritans, *as that it lay it not open to be wounded by either of the other two, more Cunning and more Learned Adverſaries. Not to the* Roman *Faction; for that will be content it ſhall be* Juris Divini Mediati, *by, from, for and under the Pope; that ſo the Government of the Church may be Monarchical in him; but not* Immediati, *which makes the Church Ariſtocratical in the Biſhops. This is the* Italian *Rock, not the* Genevian; *for that will not deny Epiſcopacy to be* Juris Divini; *ſo you will take it* ut Suadentis vel Approbantis, *but not* Imperantis; *for then they may take and leave as they will, which is that they would be at.*

Sr. *Benjamin*

16 Caroli.

Sir Benj. Rudyard, *About* Religion.

Sir *Benj. Rudyard*, About Religion.

'WE are here aſſembled to do Gods buſineſs and the Kings, 'in which our own is included, both as we are Chriſtians, 'and as we are Subjects: Let us firſt fear God, then ſhall we honour 'the King the more: for I am afraid we have been the leſs proſpe-'rous in Parliaments, becauſe we have preferred other matters be-'fore him: Let Religion be our *Primum quærite*, for all things elſe are 'but *terrena* in reſpect of it; yet we may have them too, ſooner and 'ſurer, if we give God his precedence.

'We well know what diſturbance hath been brought upon the 'Church, for vain and petty trifles. How the whole Church, the 'whole Kingdom hath been troubled where to place a Metaphor, an 'Altar. We have ſeen Miniſters, their Wives, Children and Fami-'lies undone againſt Law, againſt Conſcience, againſt all Bowels of 'Compaſſion, about not dancing upon *Sundays*. What do theſe ſort 'of men think will become of themſelves, when the Maſter of the 'Houſe ſhall come, and find them thus beating their fellow ſer-'vants? Theſe inventions were but ſives made of purpoſe to win-'now the beſt men, and that's the Devils occupation; They have a 'mind to worry preaching; for I never yet heard of any but dili-'gent preachers that were vext with theſe and the like devices. They 'deſpiſe Prophecie, and as one ſaid, they would fain be at ſomething 'like the Maſs, that will not bite, (a muzzled Religion.) They would 'evaporate and diſpirit the power and vigour of Religion, by draw-'ing it out into ſolemn ſpecious formalities, into obſolete, antiquated 'Ceremonies, new furbiſhed up.

* *Mr.* Grimſton, *About Biſhops Juriſdiction.*

* *Speaker* in the Houſe of Commons at his now Majeſties Reſtauration, and afterwards his Majeſty made him maſter of the *Rolls*.

Mr. *Grimſton*, About Biſhops Juriſdiction.

Mr. Speaker,

'THere hath been ſince the laſt Parliament a *Synod*, and in that *Synod* a New Oath hath been made and framed, and enjoyned 'to be taken.

'They might as well have made a new Law, and enjoyned the 'Execution of that, as enjoyned and urged the taking of the Oath 'not being Eſtabliſhed by Act of Parliament; and in point of miſchief, 'the ſafety of the Common-Wealth, and the freedom and Liberties 'of the Subject, are more concerned in the doing of the one, than if 'they had done the other.

'The next exception I ſhall take to it, is to the matter contained 'in the Oath it ſelf.

'They would have us at the very firſt daſh ſwear in a damnable 'Hereſie, that matters neceſſary to ſalvation are contained in the 'Diſcipline of the Church.

'Whereas *Mr. Speaker*, it hath ever been the tenet of our Church, 'that all things neceſſary to ſalvation are comprehended and con-'tained in the Doctrine of our Church only. And that hath al-'wayes been uſed as an argument, until this very preſent, againſt

Anti-

An. 1642

'*Antidisciplinarians*, to stop their mouths withal; and that for that 'reason they might with the less regret and offence, confirm and 'submit themselves to the Discipline of our Church.

'And for Prevention, in case the Wisdom of the State in this 'great Council, should at any time think fit to alter any thing in the 'Government of our Church, they would Anticipate and Forestall 'our Judgements by making us swear before-hand, that we would 'never give our consent to any alteration.

'Nay *Mr. Speaker*, they go a little further, for they would have us 'swear, that the Government of the Church by Arch-Bishops, Bi-'shops, Deans, Arch-Deacons, *&c.* is *Jure Divino*: their words are, 'as of right it ought to stand. Whereas *Mr. Speaker*, we meet not 'with an Arch-Bishop, or a Dean, or an Arch-Deacon in all the 'New-Testament: and whatsoever may be said of the Function of 'Bishops is one thing, but for their Jurisdiction it is meerly *Humana 'institutione*, and they must thank the King for it.

'As for their gross, absurd *&c.* wherein they would have men 'swear they know neither what, nor how many fathom deep, there 'is neither Divinity nor Charity in it, and yet they would put that 'upon us.

'What they meant and intended by this New Oath, and their Book of Canons, and their Book of Articles, which they would 'have our Church-Wardens sworn unto, to Enquire of, and to pre-'sent thereupon, I must confess I know not, unless they had a pur-'pose therein to blow up the Protestant Religion, and all the Faith-'ful Professors of it, and to advance their Hierarchy a step higher, 'which I suppose we all fear is high enough already.

Sir Benj. Rudyard, *Of the King and Kingdoms business.*

Mr. Speaker,

Sir *Benj. Rudyard*, Of the King and Kingdoms business.

'NOW to the Kings business more particularly, which indeed is 'the Kingdoms; for one hath no existence, no being without 'the other, their relation is so near; yet some have strongly and sub-'tilly laboured a divorce, which hath been the very bane of both King 'and Kingdom.

'When Foundations are shaken, it is high time to look to the 'building: he hath no heart, no head, no soul, that is not moved in 'his whole man to look upon the distresses, the miseries of the Com-'mon-Wealth, that is not forward in all that he is, and hath, to 'redress them in a right way.

'The King likewise is reduced to great straights, wherein it were 'undutifulness beyond inhumanity to take advantage of him: Let 'us rather make it an advantage for him, to do him best service 'when he hath most need. Not to see our own good, but in him 'and with him, else we shall commit the same crimes our selves, 'which we must condemn in others.

Lord

Lord Faulkland, *Of Ill Counſellours about the King.*

Lord *Faulkland*, Of Ill Counſellors about the King.

'IT hath often been ſaid, and I think can never be too often repeated, That the Kings of *England can do no wrong*; but though they could, yet Princes have no part in the ill of thoſe actions which their Judges aſſure them to be juſt, nor in what their Counſellours ſay are prudent, nor in what their Divines ſay are conſcientious, if they miſlead the King.

'This conſideration leadeth me to that which is more neceſſary at this ſeaſon, than any farther laying open of our miſeries; that is the way to the remedy, by ſeeking to remove from our Soveraign ſuch unjuſt Judges, ſuch pernicious Counſellors, and ſuch diſconſcientious Divines, as have of late years by their wicked practiſes, provoked aſperſions upon the Government of the moſt gracious and beſt of Kings.

Sir Benj. Rudyard, *Of Evil Miniſters of State.*

Sir *Benj. Rudyard*, Of Evil Miniſters of State.

Mr. Speaker,

'HIS Majeſty is wiſer than thoſe that have adviſed him, and therefore he cannot but ſee and feel their ſubverting deſtructive Counſels, which ſpeak lowder than I can ſpeak of them: for they ring a doleful deadly knell over the whole Kingdom. His Majeſty beſt knows who they are; for us let the matter bolt out the men; their actions diſcover them.

'They are men that talk largely of the King's Service, have done none but their own, and that's too evident.

'They ſpeak highly of the King's power, but they have made it a miſerable power, that produceth nothing but weakneſs, both to the King and Kingdom.

'They have exhauſted the King's Revenue to the bottom, and beyond.

'They ſpent vaſt ſumms of money waſtefully, fruitleſly, dangerouſly, ſo that more money without other Counſels will be but a ſwift undoing.

'They have alwayes peremptorily purſued one obſtinate pernicious courſe: firſt they bring things to an extremity, then they make that extremity of their own making, the reaſon of their next action, ſeven times worſe than the former, and at this paſs we are at this inſtant.

'They have almoſt ſpoiled the beſt inſtituted Government in the world, for Soveraignty in a King, liberty to the Subject; the proportionable temper of both which, makes the happieſt State for power, for riches, for duration.

'They have unmannerly and ſlubberingly caſt all their Projects, all their Machinations upon the King, which no wiſe or good Miniſter of State ever did, but would ſtill take all harſh, diſtaſteful things upon themſelves, to clear, to ſweeten their Maſter.

An. 1640.

'They have not suffered his Majesty to appear unto his people 'in his own native goodness, but they have eclipsed him by their 'interposition: although gross condense bodies may obscure, and 'hinder the Sun from shining out, yet is he still the same in his 'own splendour. And when they are removed, all Creatures un-'der him are directed by his light, comforted by his beams: But 'they have framed a superstitious seeming Maxime of State for their 'own turn; That if a King will suffer men to be torn from him, he 'shall never have any good service done him; when the plain truth 'is, that this is the surest way to preserve a King from having ill 'servants about him. And the Divine truth likewise is, *Take away 'the wicked from the King, and his Throne shall be established.*

'Mr. *Speaker*, I confess I have now gone in a way much against 'my nature and somewhat against my custome heretofore used in 'this place. But the deplorable dismal condition both of Church and 'State, have so far convinced my judgment, as it hath wrought up-'on my disposition; yet am I not *vir sanguinis*; I love no mans 'ruine; I thank God I neither hate any mans person, nor envy any 'mans fortune; only I am zealous of a thorow Reformation in a 'time that exacts, that extorts it. Which I humbly beseech this 'House may be done with as much lenity, as much moderation, as 'the publick safety of the Kingdom can possibly admit.

Lord Digby, *For a Triennial Parliament.*

Lord Digby, Of Triennial Parliaments.

'WHat Friendship, what Union can there be so comfortable, 'so happy, as between a Gracious Soveraign and his people? 'and what greater misfortune can there be to both, than for them to 'be kept from entercourse, from the means of clearing misunder-'standings, from interchange of mutual benefits?

'The People of *England* cannot open their ears, their hearts, their mouths, nor their purses to his Majesty, but in Parliament.

'We cannot [illegible] him, nor complain, nor acknowledge, nor 'give.

'But a Bill for a Triennial Parliament is the sole Key that can open 'the way to a frequency of those reciprocal endearments, which 'must make and perpetuate the happiness of the King and King-'dom.

'Let no man object any derogation from the King's prerogative 'by it. We do but present the Bill, 'tis to be made a Law by him, 'his honour, his power, will be as conspicuous, in commanding at 'once that a Parliament shall assemble every third year, as in com-'manding a Parliament to be called this or that year; there is more 'of his Majesty in ordaining primary and universal causes, than 'in the actuating particularly of subordinate effects.

'I doubt not, but that glorious King *Edward* the third, when he 'made those Laws for the yearly calling of a Parliament, did it with 'a right sense of his dignity and honour.

'The Kings of *England* never appear in their glory, in their splen-'dour, in their Majestick Soveraignty, but in Parliaments.

'Where

'Where is the power of imposing Taxes? where is the power of 'restoring from incapacities? where is the legislative Authority? 'in the King, but how? in the King circled in, fortified and sur-'rounded by his Parliament.

'The King out of Parliament hath a limited and circumscribed ju-'risdiction, but waited on by his Parliament, no Monarch of the *East* 'is so absolute in dispelling grievances.

'*Mr. Speaker*, In chasing *Mr. Speaker* we do but dispate Clouds 'that may gather again, but in voting this Bill for a Parliament every 'three years, we shall contribute, as much as in us lyes, to the per-'petuating our Sun, our Soveraign, in his Vertical, in his Noon-day 'lustre.

Mr. Grimston, *Of Grievances between the* April *and* November *Parliament*, 1640.

Mr. Speaker,

'I Shall pass from what was done the last Parliament, and 'come to what hath been done since that Parliament ended. 'There are some worthy Gentlemen now of this House, that 'were Members of the last Parliament, that carryed them-'selves in the matters and business then and there Agitated and 'Debated, with great Wisdom, and Unexampled Moderation. But 'what had they at last for all their pains, in attending the publick 'Service of the Common-Wealth? as soon as ever the Parliament 'was ended, their Studies and Pockets were search'd, as if they had 'been Fellons and Traytors, and they committed to several Gaols. 'Mr. *Bellasis*, Sir *John Hotham*, and Mr. *Crew* sent to several Prisons.

Mr. *Grimston*, Of Grievances between the *April* and *November* Parliament, 1640.

Mr. Edward Hide, *Concerning the business of Knighthood.*

My Lords,

'IN the charge concerning Knighthood, Master *Mr. Leverer* appears 'upon the Process of the Court, Pleads and submits to his Fine, '*Point se in grande courte*. The Barons refuse to Impose any Fine, 'they had no power to do that, he must Treat with certain Commis-'sioners appointed for that purpose,' and Compound with them, 'Your Lordships have not met in the same men such contradictions 'of crimes; who would suspect the same men in one charge, to 'have the mettle to Usurp the Power, and Exercise the Jurisdiction 'of the Highest Court, the Court of Parliament, and presently to 'want the spirit to do that which was so Restrained and Peculiar 'to their places to have done, as that none else could do it? They 'had no power to Fine! as if the sole business of sworn Judges 'in a Court of Law, were to summon and call men thither, and 'then to send them on Errands to other Commissioners for Ju-'stice.

Mr. *Edward Hide*, Concerning the business of Knighthood.

An. 1640.

'The Commiſſions in *Edw.* 1. time granted to *Tiptoffe* and others, 'were and have been to compound with thoſe, who deſired to com-'pound, not otherwiſe; they had no power to Compel any, to Fine 'any; that truſt by the Law was and is only in the Judges: ſo that if 'this Duty were a Right to his Majeſty, and the perſons Lyable re-'fuſe to compound, for ought theſe Judges can do, the King muſt 'loſe his Duty, they can impoſe no Fine, only they have found a 'trick, which they call the Courſe of the Court (to make his Ma-'jeſty a favor) Appear while you will, Plead what you will, ſubmit 'to the mercy of the Court, Iſſues ſhall go on ſtill, as if you did nei-'ther, till you have done ſomewhat the Court will not order you to 'do, nor is bound to take notice of when you have done: Your 'Lordſhips will help us out of this Circle, and that you may ſee how 'incapable they are of any excuſe in this point, the very *Mittimus* 'out of the *Chancery* gives them expreſs command among other 'things, *Ut fines omnium illorum qui juxtà Proclamationem prædict. 'Ordinem antè prædict. diem ſuſcepiſſe debuerunt, capiatis, &c.* 'Tis 'only worth your Lordſhips obſervation, this misfortune commonly 'attends (and may it ever) thoſe abſolute Diſuſed Rights, that be 'the thing in it ſelf in a degree Lawful, the Adviſers and Miniſters 'of it ſo fail in the Execution, that as it uſually proves as grievous to 'the Subject, ſo by ſome circumſtances it proves as Penal to the In-'ſtruments, as if it were in the very nature of the thing againſt all 'the Laws of Government.

Lord Digby, *Of the Convocation, and the Oath with an* &c.

Lord *Digby*, of the Convocation and the Oath with an *&c.*

'Concerning the Acts of that Reverend new Synod, made of an 'old Convocation, Doth not every Parliament mans heart 'riſe, to ſee the Prelates thus uſurp to themſelves the grand reheminence of Parliament? The granting of Subſidies, and that under 'ſo prepoſterous a name as of a *Benevolence*, for that which is a *Male-'volence* indeed; a *Malevolence* I am confident in thoſe that granted it 'againſt Parliaments: and a *Malevolence* ſurely in thoſe that refuſe 'it, againſt thoſe that granted it; for how can it inſinuate leſs? when 'they ſee wreſted from them what they are not willing to part with, 'under no leſs a penalty, than the loſs both of Heaven and Earth: 'of Heaven by excommunication; and of the Earth by deprivati-'on; and this without redemption by appeal. What good Chriſti-'an can think with patience on ſuch an enſnaring Oath, as that 'which is by the new Canons enjoyned to be taken by all Miniſters, 'Lawyers, Phyſicians, Graduates in the Univerſities? where beſides 'the ſwearing ſuch an impertinence, as that things neceſſary to ſal-'vation are contained in Diſcipline, beſides the ſwearing thoſe to be 'of Divine Right, which amongſt the learned was never pretended to, 'as the Arch things in our Hierarchy: Beſides, the ſwearing not to 'conſent to the change of that, which the State may upon great rea-'ſon think fit to alter: beſides the bottomleſs perjury of an *&c.* Be-'ſides all this, men muſt ſwear that they ſwear freely and voluntarily 'what they are compelled unto: and laſtly, that they ſwear that 'Oath in the literal ſence, whereof no two of the makers themſelves, 'that I have heard of, could ever agree in the underſtanding.

Mr. *Grimſton*,

Mr. Grimston, *Of Synods, Convocation, and the Oath &c.*

Mr. Speaker,

Mr. *Grimston*, Of Synods, Convocation, and the Oath *&c.*

'THey have in this Synod granted a Benevolence, but the nature 'of the things agrees not with the name, for in plain *English* it 'is *six Subsidies* to be paid by the Clergy in six years, and the Penalty 'they have imposed upon the refusers for non-payment, is to be de-'prived of their Functions, to be stript of their Free-hold, and to 'be Excommunicated: and this Act of their Synod is not Published 'amongst their Canons, for which they might have some colourable 'seeming Authority; but it comes out in a Book alone by it self in 'the *Latine Tongue*, supposing (as I conceive) that Laymen are as 'ignorant as they would have them; and thus they think they 'dance in a Net.

'And as in this, so in most of their new Canons, if they be through-'ly considered, any judicious man may easily discern and perceive, 'that they do therein like Water men that look one way and Row 'another, they pretend one thing but intend nothing less; and cer-'tainly *Mr. Speaker*, in this they have flown to a high pitch, for a 'Synod called together upon pretence of reconciling and settling 'Controversies and matters in Religion, to take upon them the bold-'ness thus out of Parliament to grant Subsidies, and to meddle with 'mens Free-holds; I dare say the like was never heard of before, 'and they that durst do this will do worse, if the current of their 'raging Tyranny be not stopt in time.

Sir Benj. Rudyard, *About Puritans.*

Sir *Benj. Rudyard*, About Puritans.

'A *Romanist* hath bragged, and congratulated in print, That the 'face of our Church begins to alter, the language of our Reli-'gion to change. And *Sancta Clara* hath published, That if a Synod 'were held *non intermixtis Puritanis*, setting Puritans aside, our Ar-'ticles and their Religion would soon be agreed. They have so 'brought it to pass, that under the name of *Puritans*, all our Religi-'on is branded, and under a few hard words against Jesuites, all 'Popery is countenanced.

'Whosoever squares his actions by any rule, either divine or hu-'mane, he is a Puritan, whosoever would be governed by the Kings 'Laws, he is a Puritan.

'Their great work, their master-piece now, is, To make all those of 'the Religion to be the suspected party of the Kingdom. If we se-'cure our Religion we shall cut off and defeat many Plots, that are 'now on foot by them and others. Believe it Sir, Religion hath been 'for a long time, and still is, the great design upon this Kingdom; it 'is a known and practised principle, That they who would introduce 'another Religion into the Church, must first trouble and disorder 'the Government of the State, that so they may work their ends in a 'confusion which now lyes at the door.

Lord

An. 1640.

Lord Digby, *of Apoſtates to the Common-wealth.*

Lord *Digby*, Of Apoſtates to the Common-wealth.

'LEt me appeal to all thoſe that were preſent in this Houſe, at 'the agitation of the *Petition of Right*, and let them tell them-'ſelves truly, of whoſe promotion to the management of affairs do 'they think, the generality would at that time have had better hopes, 'than of Mr. *Noy* and Sr. *T. Wentworth?* both having been at that 'time, and in that buſineſs, as I have heard, moſt keen and active 'Patriots; and the latter of them, the firſt mover and inſiſter to 'have this Clauſe added to the *Petition of Right*, *That for the com-'fort and ſafety of his Subjects, his Majeſty would be pleaſed to declare 'his will and pleaſure, and that all his Miniſters ſhould ſerve him, accor-'ding to the Laws and Statutes of the Realm.*

'And to whom now can all the Inundations upon our Liberties 'under pretence of Law, and the late ſhipwrack at once of all our 'property, be attributed more, than to *Noy?* And thoſe and all other 'miſchiefs, whereby this Monarchy hath been brought almoſt to the 'brink of deſtruction, ſo much to any, as to that grand Apoſtate to 'the Common-wealth, the Lord Lieutenant of *Ireland?*

Mr. Grimſton, *concerning the Parliament which met in* April 1640.

Mr. *Grimſton*, Concerning the Parliament which met at *Weſtminſter*, *April* 1640.

Mr. Speaker,

'THeſe Petitions which have been now read, they are all Re-'monſtrances of the General and Univerſal Grievances and 'Diſtempers that are now in the State and Government of the 'Church and Common-wealth: and they are not them alone, but 'his Majeſties Gracious Expreſſions the firſt day of Parliament; that 'call me up to ſpeak at this preſent, contrary to my own in-'tentions.

'His Majeſty who is the Head of the Body Politick, and the Fa-'ther of the Common-wealth, hath firſt complained, declaring his 'ſenſibleneſs of our ſufferings; and amongſt other things, hath put 'us in mind of our *Grievances*, and hath freely left it to our ſelves '(for our Redreſs and Repair therein) to begin and end, as we ſhall 'think fit. And this draws me on with much cheerfulneſs and 'zeal, to contribute my poor Endeavours to ſo great a Work.

'I conceive it will not be altogether impertinent, for your 'Direction and Guidance in that great place, which by the 'favour of his Majeſty and the Houſe you now poſſeſs, a little 'to recollect our ſelves, in the Remembrance of what was done the 'laſt Parliament, and where we ended.

'It will likewiſe be very conſiderable what hath been done ſince 'that Parliament; and who they are that have been the Authors and 'Cauſers of all our Miſeries and Diſtractions, both before and 'ſince.

Mr. Speaker,

16 Caroli.

'*Mr. Speaker*, The laſt Parliament as ſoon as the Houſe was ſetled, 'a Subſidiary Aid and Supply was propounded, and many Argu-'ments uſed to give the Precedency before all other Matters and 'Conſiderations whatſoever.

'On the other ſide, a multitude of Complaints and Grievances of 'all ſorts, as well concerning our Eternal as our Temporal Eſtates, 'were preſented and put in the other Ballance; the Wiſdom of the 'great Council weighing both indifferently; and looking not only 'upon the dangers then threatned from *Scotland* (which are now upon 'us) but likewiſe taking into their Conſideration, the Condition 'and Conſtitution of the preſent Government here at home, con-'cluded that they were in no capacity to give, unleſs their Grie-'vances were firſt redreſſed and removed.

'It then was, and ſtill is, moſt Manifeſt and Apparent, that by 'ſome *Judgements* lately obtained in Courts of Juſtice, and by ſome 'new wayes of Government lately ſtarted up amongſt us, the Law 'of Property is ſo much ſhaken, that no man can ſay, he is Maſter 'of any thing; but all that we have, we hold as Tenants by Cour-'teſie, and at Will, and may be ſtript of it at pleaſure.

'Yet we were deſirous to give his Majeſty all poſſible Satisfaction 'and Contentment, as well in the manner of Supply for Expedition, 'as in the ſubſtance and matter of it: we confined and limited our 'ſelves but to three particulars only, and to ſuch matters as proper-'ly and naturally ſhould have Reference and Relation to thoſe three 'Heads.

'1. The firſt was, The Priviledges of Parliament.
'2. The ſecond, Matters of Religion.
'3. The third, The Propriety of our Goods and Eſtates.

'And we began with the firſt, as the great Ark, in which the 'other two, Religion and Property are included and preſerved.

'*Mr. Speaker*, The Violations complained of the laſt Parliament, 'touching our Priviledges, were of two ſorts: either ſuch as had 'been done in Parliament, or out of Parliament.

'Concerning the Violations of the firſt ſort, it was Reſolved by 'Vote, That the Speaker refuſing to put a Queſtion, being thereunto 'required by the Houſe, or to Adjourn the Houſe upon any Com-'mand whatſoever, without the Conſent and Approbation of the 'Houſe it ſelf, were Breaches and Violations that Highly Impeach-'ed our Priviledges.

Sir Benjamin

An. 1640.

Sr. Benjamin Rudyard, *of the Vertical Point.*

Sir Benj. Rudyard. Of the Vertical Point.

'HIs Majesty hath clearly and freely put himself into the hands 'of this Parliament; and I presume there is not a man in this 'House, but feels himself advanced in this high trust; but if he 'prosper no better in our hands, than he hath done in theirs, who 'have hitherto had the handling of his affairs, we shall for ever make 'our selves unworthy of so gracious a confidence.

'I have often thought and said, that it must be some great extre-'mity, that would recover and rectifie this State; and when that 'extremity did come, it would be a great hazard, whether it might 'prove a remedy, or ruine. We are now *Mr. Speaker*, upon that 'Vertical Point, and therefore it is no time to palliate; for this will 'but foment and hasten our own undoing.

* *Mr.* Hollis, *about the Integrity of a Judge.*

* Mr. *Denzil Hollis* created a Baron by King *Charles* the second, & sent Embassadour into *France*.

Mr. *Hollis*, About the Integrity of a Judge.

My Lords,

'THese Gentlemen have represented unto your Lordships, the 'sad object of Justice perverted, Liberty oppressed, of Judge-'ment turned into Wormwood; the Laws, which should be the 'barrs of our Gates, to protect us, keep us, and all that is ours in 'safety, made weak and impotent, to betray us unto the hands of 'violence, instead of props to support us; become broken reeds to de-'ceive us, and run into our sides when we lean upon them, even so 'many snares to entrap and entangle us.

'And all this by the perfidiousness of those who are entrusted 'with our Laws, who call themselves the Guardians and Interpre-'ters of the Law: but by their accursed glosses have confounded the 'Text, and made it speak another language and another sense, than 'ever our Ancestors the Law-makers intended.

'But what honour then is he worthy of, who meerly for the pub-'lick, hath suffered himself to be divested and deprived of his parti-'cular interest; such a Judge, as would lose his place, ra-'ther than do that which his Conscience told him was prejudicial to 'the Common-wealth, Is not he worthy of double honour?

'And this did that Worthy Reverend Judge, the Chief Judge of '*England* at that time, Sr. *Randol Crew*, because he would not, by 'subscribing, countenance the Loan in the first year of the King, 'contrary to his Oath and Conscience, he drew upon himself the 'displeasure of some great persons about his Majesty, who put on 'that Project, which was afterwards condemned by the *Petition* of '*Right*, in the Parliament of *Tertio*, as unjust and unlawful, and by 'that means he lost his place of Chief Justice of the *Kings Bench*, and 'hath these fourteen years, by keeping his innocency, lost the profit 'of that Office, which upon a just calculation, in so long a revolu-'tion of time, amounts to 26000 *l.* or thereabouts.

'He

16 *Caroli.*

'He kept his innocency, when others let theirs go; when him-'ſelf and Common-wealth were alike deſerted, which raiſes his 'merit to a higher pitch: For to be honeſt when every body elſe is 'honeſt, when honeſty is in faſhion, and is Trump (as I may ſay) 'is nothing ſo meritorious: but to ſtand alone in the breach, to own 'honeſty when others dare not do it, cannot be ſufficiently applau-'ded, nor ſufficiently rewarded. And that did this good old man 'do, in a time of general deſertion, he preſerved himſelf pure and 'untainted.

'*My Lords*, The Houſe of Commons are therefore Suiters unto 'your Lordſhips, to joyn with them in the repreſentation of this 'good mans caſe unto his Majeſty, and humbly to beſeech his Majeſty 'to be ſo good and gracious unto him, as to give him ſuch honour, '(*the quality of this caſe conſidered*) as may be a noble mark of 'Soveraign Grace and Favour, to remain to him and his poſterity, 'and may be in ſome meaſure a proportionable compenſation for the 'the great loſs he hath with ſo much patience and reſolution 'ſuſtained.

The Lord Andever, *concerning the* Star-Chamber.

My Lords,

The Lord *Andever*, Concerning the *Star-Chamber.*

'SInce your Lordſhips have already looked ſo far into Priviledges 'of Peers, as to make a ſtrict Inquiſition upon Foreign Honors: 'let us not deſtroy that among our ſelves, which we deſire to pre-'ſerve from Strangers.

'And if this Grievance I ſhall move againſt, have ſlept till now; 'it is very conſiderable, leſt cuſtom make it every day more appa-'rent than other: your Lordſhips very well know, there was a Sta-'tute framed 3 *Hen.* 7. authorizing the Chancellor, Treaſurer and 'Privy Seal, and the two Chief Juſtices, calling to them one Biſhop, 'and a Temporal Lord of the Kings Council, to receive Complaints 'upon Bill of Information, and Cite ſuch parties to appear as ſtand 'accuſed of any Miſdemeanour; and this was the Infancy of the '*Star-Chamber*: but afterwards the *Star-Chamber* was by Cardinal '*Woolſey* 8 *H.* 8. raiſed to mans eſtate: from whence (being now 'altogether unlimited) it is grown a Monſter, and will hourly 'produce worſe effects, unleſs it be reduced by that hand which laid 'the foundation: for the Statutes that are ratified by Parliament, ad-'mit of no other than a repeal.

'Therefore I offer humbly unto your Lordſhips theſe enſuing Rea-'ſons, why it ſhould be repealed.

'Firſt, The very words of the Statute clearly ſhew, that it was 'a needleſs Inſtitution; for it ſayes, They who are to Judge, can 'proceed with no Delinquent otherwiſe than if he were convicted 'of the ſame crime by due proceſs of Law.

'And do your Lordſhips hold this a rational Court, that ſends 'us to the Law, and calls us to the Law, and calls us back from 'it again?

An 1640.

'Secondly, Divers Judicatories confound one another, *& in peſſima Republica plurimæ leges.*

'The ſecond Reaſon is, from Circumſtance, or rather *à conſuetudine*; and of this there are many examples both domeſtick and foreign: but more particularly, by the Parliaments of *France* abbrevrated into a ſtanding Committee by *Philip* the King, and continued according to his inſtitution until *Lewis* the Eleventh came to the Crown, who being a Subtil Prince, buried the Volume in the Epitome: for to this day, when ever the three Eſtates are called, either at the death of the old King, or to Crown the new, it is a common Proverb, *Allons voire le vandes eſtates. My Lords*, Arbitrary Judgements deſtroy the Common Laws, and in them the two great Charters of the Kingdom; which being once loſt, we have nothing left but the Name of Liberty.

'Then the laſt Reaſon is, (though it was the firſt Cauſe of my ſtanding up) the great Eclipſe it hath ever been to the whole Nobility; for who are ſo frequently vexed there, as Peers and Noblemen? and notwithſtanding their Appeal to this Aſſembly is ever good, whilſt that famous Law of the 4 *Ed.* 3. remains in force for the *holding of a Parliament once a year*, or more if occaſion require; yet who durſt a year ago mention ſuch a Statute, without the incurring the danger of Mr. * *Kilverts* perſecution? Therefore I ſhall humbly move your Lordſhips, that a ſelect Committee of a few may be named to conſider of the Act of Parliament it ſelf, and if they ſhall think it of as great prejudice as I do, that then the Houſe of Commons in the moſt uſual manner may be made acquainted with it either by Bill or Conference; who alſo happily think it a burthen to the Subject; and ſo when the whole body of Parliament ſhall joyn in one Supplication, I am confident his Majeſty will deſire that nothing ſhall remain in force, which his people do not willingly obey.

* An Informer and Proſecutor in that Court.

THE Barons of the Exchequer being charged for not doing Juſtice to Mr. *Rolls* and other Merchants of *London*, who had their Goods ſeiſed upon in *November* 4 *Car.* by the Officers of the Cuſtom-Houſe, for refuſing to pay the Subſidy of *Tonnage and Poundage*. And having ſued out a Writ of *Replevin* directed to the Sheriffs of *London*, the Court awarded an Injunction, commanding the Sheriff not to execute the ſame, and denyed reſtitution.

The Offences of theſe Judges therein at the Delivery of their Impeachment to the Houſe of Lords, were aggravated as to this Caſe by Mr. *Edward Hide*, who ſpake to this effect:

My Lords,

Mr. *Hide*'s Speech, concerning the Judges, Tonnage and Poundage, &c.

'THere cannot be a greater Inſtance of a Sick and Languiſhing Common-wealth, than the buſineſs of this day. Good God! How have the guilty theſe late years been puniſhed, when the Judges themſelvs have been Delinquents. 'Tis no ſuch marvail, that an Irregular, Extravagant, Arbitrary Power, like a Torrent, hath broke in upon us, when our Banks and our Bulwarks, the Laws,

were

16 Caroli.

'were in the Custody of such Persons. Men who had lost their 'Innocence, could not preserve their courage: nor could we look 'that they who had so visibly undone us, themselves should have the 'vertue or credit, to rescue us from the oppression of other men. 'It was said by one, who alwayes spoke excellently, That the twelve 'Judges were like the twelve Lyons under the Throne of *Solomon*: 'under the Throne in obedience, but yet Lyons. Your Lordships 'shall this day hear of Six, who (be they what they will be else), 'were no Lyons, who upon Vulgar fears delivered up the precious 'Forts they were trusted with, almost without assault; and in a 'tame easie trance of Flattery and Servitude, lost and forfeited '(shamefully forfeited) that reputation, awe and reverence, which 'the Wisdom, Courage and Gravity of their Venerable Prede-'cessors had contracted and fastened to the Places they now hold: 'And even rendred that Study and Profession (which in all Ages 'hath been, and I hope now shall be of an honourable estimation) 'so contemptible and vile, that had not this blessed day come, all 'men would have had that quarrell to the Law it self, which *Ma-'rius* had to the Greek Tongue, who thought it a Mockery, for a 'man to learn that Language, the Masters whereof lived in bondage 'under others. And I appeal to these unhappy Gentlemen them-'selves, with what a strange negligence, scorn and indignation the 'Faces of all men, even of the meanest, have been directed towards 'them, since (to call it no worse) that Fatal Declension of their 'understandings in those Judgements, of which they stand here 'charged before your Lordships. But, *my Lords*, the work of this 'day is the greatest instance of a growing and thriving Common-'wealth too: and is as the dawning of a fair and lasting day of 'happiness to this Kingdom: 'tis in your Lordships Power (and I 'am sure 'tis in your Lordships Will) to restore the dejected broken 'people of this Island to their former Joy and Security, the succes-'sors of these men to their old Priviledge and Veneration, *& se-'pultas prope leges revocare.*

'As for that Presumptuous Decree against Mr. *Rolls* and others, 'and in truth, whatsoever Gloss they put upon it, it is no other than 'a plain Grant of the Subsidy of *Tonnage* and *Poundage* to his Majesty 'upon all Merchandize. After their Goods seized for Non-Payment 'of that pretended Duty the Proprietors brought *Replevins* (which 'is the Natural and Genuine Remedy appointed by Law in case of 'Property, and grounded upon Property) the Court awards an 'Injunction to stay these *Replevins*, the Goods were in the Kings 'Possession, and no *Replevin* would lye against the King.

'Truly, *My Lords*, The Injustice here is not so scandalous as the 'Fraud: we all know, a *Replevin* (as in no other Suit) lyes against 'the King, if the Goods be in his own hands.

'Here they found a Right, a known and unquestionable Right; 'yet instead of assisting, took away the Remedy to preserve that 'Right. What shall we call these Judges?

'*My Lords*, In this Argument I am not willing to say much: 'tis 'enough that your Lordships know, *Tonnage* and *Poundage* is not a 'Duty to the Crown, but a Subsidy, and so granted in *subsidium* some-

Tonnage and Poundage.

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'times *pro una vice tantum*; ſometimes for years, and then ceaſed 'when the time did expire; that when it was firſt granted for life, 'it was with this Clauſe, *Ita quod non trahatur in Exemplum futuris 'Regibus*: but 'tis abundantly enough known, that his Sacred Ma- 'jeſty cannot be tainted with the Advices and Judgements of theſe 'men, but looks on this Duty ſingly as the meer affection and 'bounty of his Subjects, the which no doubt he ſhall never want.

* This Gentleman was not at *Oxford* in time of War, as the Lord *Falkland*, &c. were.

Mr. *Rous* part of his ſpeech concerning Dr. *Mainwaring* and the Altar Clergy.

* *Mr.* Rous *part of his Speech concerning Dr.* Mainwaring *and the Altar Clergy.*

'YOur Lordſhips have heard of a great Deſign to bring in Pope- 'ry, you have heard of Armies of Soldiers, and particularly 'of the Popiſh *Iriſh* Army, the Burthen and Complaint of the Com- 'mons. But there is another Army not ſo much ſpoken of, and 'that is an Army of Prieſts: for ſince Altars came in, they delight 'to be called Prieſts. It is a ſaying of *Gregory* the Great, that when '*Antichriſt* comes, *Præparatus eſt exercitus Sacerdotum*; There is an 'Army of Prieſts ready to receive him. This is fulfilled in our time; 'for certainly this Army of Prieſts doth many wayes advance the 'Deſign and Plot of Popery. A firſt is, by the ſubverſion of our 'Laws and Government: our Laws and Popery cannot ſtand to- 'gether; but either Popery muſt overthrow our Laws, or our 'Laws muſt overthrow Popery: But to overthrow our Laws, they 'muſt overthrow Parliaments, and to overthrow Parliaments they 'muſt overthrow Property; they muſt bring the Subjects Goods to 'be arbitrarily diſpoſed, that ſo there may be no need of Parliaments: 'this hath been done by Doctor *Mainwaring*, (whom we find want- 'ing yet not in the Seats, but in the Bar of the Lords Houſe.)

'A ſecond way by which this Army of Prieſts advanceth the Po- 'piſh Deſign, is the way of Treaty. This hath been both by Wri- 'tings and Conference. *Sancta Clara* himſelf on his part, labours to 'bring the Articles of our Church to Popery; and ſome of our ſide 'ſtrive to meet him in that way. We have a Teſtimony that the 'Arch-Prieſt himſelf hath ſaid, It were no hard matter to make a 'Reconciliation, if a Wiſe man had the handling of it. But I ve- 'rily believe, that as the State of Papacy ſtands, a far wiſer man than 'he cannot reconcile us, without the loſs of our Religion. For 'the Pope being faſtned to his Errors, even by his Chair of Inerra- 'bility, he ſits ſtill unmoved, and ſo we cannot meet, except we 'come wholly to him. A man ſtanding in a Boat tyed to a Rock, 'when he draws the rope, doth not draw the Rock to the Boat, but 'the Boat to the Rock. And *Sancta Clara* doth (in this ſomewhat 'honeſtly) confeſs it; for he ſaith, that he dealt in this way of 'Treaty, not to draw the Church to the Proteſtants, but the Prote- 'ſtants to the Church.

'A third way is a way of Violence. This Violence they exer- 'ciſe partly by Secular Arms, and partly Prieſtly Arms, which 'they call Spiritual: for Secular Arms, we have their own con- 'feſſion, that the late War was *Bellum Epiſcopale*; and we have the 'Papiſts confeſſion, that it was *Bellum Papale*; for in their motives

'they

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'they ſay, that the war concerns them not only as Subjects, but as Ca-
'tholicks, for ſo they falſly call themſelves.

Mr. Plydal, *about Epiſcopacy.*

Mr. *Plydal*, About Epiſcopacy.

'I Have heard, ſince I had the honour to ſit here, many grievances
'preſented, and truly Sir my heart bleeds within me when I think
'of them, eſpecially thoſe that concern Religion. But what ſhould
'I ſpeak of grievances concerning Religion, when Religion it ſelf is
'become a grievance, nay the very nurſe and mother of all grie-
'vances, all ſcandals, all reproaches?

Tantum Religio potuit ſuadere malorum.

'*Sir*, Not to trouble you with any long diſcourſe, if I have any
'ſight, that Bark both of Church and State hath a long time
'floated betwixt *Scylla* and *Charybdis*, Popery on the one ſide, and I
'know not what to call it on the other; in many reſpects both
'alike dangerous, unleſs the *Italian* Proverb may alter the caſe, *God*
'*defend me from my reputed friends, and I will defend my ſelf from my*
'*profeſt enemies.*

'*Sir*, We are intruſted by God, the King and the Countrey, with
'the managing of this Bark, fraught with the fortunes of three great
'Kingdoms: Now ſhould we ſo decline the former Rock, that
'we daſh on the other ſide, I humbly offer it to this Honourable
'Aſſembly, whether ſhe might not have juſt cauſe to ſay, ſhe
'had changed her Pilot rather than her condition, and only ſhifted
'places to find her ruine: for Sir, there is as much beyond truth,
'as on this ſide it; and would we ſteer a right Courſe, we muſt be
'ſure to keep the Channel, leſt we fall from one extream to ano-
'ther; from the dotage of Superſtition, to the frenzie of profane-
'neſs, from bowing to Idols, to worſhip the Calves of our own ima-
'ginations.

'I beſeech you conſider, what libellous Pamphlets are now Prin-
'ted, what Sermons are now preached, not building hay and ſtub-
'ble, but utterly ſubverting the foundations of Truth; what irre-
'verence in Churches, what profanation of Gods ſervice, to the
'ſcandal of Chriſtianity, the reproach of Religion, and the intolle-
'rable grief of all good men; of which I may take up the words of
'*Petrus de Aliaco* to the Council of *Conſtance*, *Niſi celeriter fiat refor-*
'*matio, audeo dicere quod licet magna ſint quæ videmus, tamen in bre-*
'*vi incomparabilia majora videbimus, & poſt iſta tam horrenda majora alia*
'*audiemus.*

'*Sir*, I take God to record, I am no mans advocate, no mans ene-
'my, but a faithful lover of truth and peace, and a dutiful ſon of our
'diſtreſſed mother, the Church of *England*; in whoſe behalf, and
'our own, my motion ſhall be ſhortly this, That the Miniſters Peti-
'tion, with ſo much of their Remonſtrance as hath been read, may
'be committed, and the reſt of it, concerning matter of Doctrine,
'may be referred to ſome Learned and approved Divines, who have
'ſpent their time in that noble ſtudy. For give me leave to tell

'you,

An. 1640. you, there is a *vulgus* among the Clergy, as among the Laity, *Et in utroque modicum*; and for theſe and all things, which ſtrike at the root and branch, as they pleaſe to call it, I ſhall humbly move, that we rather conſider how to ſatisfie the Petitioners with ſome timely declaration from both Houſes, of the Lawfulneſs and conveniency of Epiſcopal Government, derived from the Apoſtles, and ſo long eſtabliſhed in this Kingdom, rather than to venture upon any alteration, the conſequence whereof the wiſeſt man cannot foreſee. And in truth, Sir, would we once begin (for my own part) I know not how or where we ſhould ſtay. Nevertheleſs if any one doubt the ſuperiority of Biſhops over Prieſts and Deacons in Eccleſiaſtical Government, or in Ordination, I ſhall be ready, whenſoever this Houſe ſhall command me, to make it good, and I think by as pregnant teſtimonies as we are able to prove the difference betwixt Canonical and Apocryphal Scripture, the neceſſity of Infants Baptiſm, or that the Apoſtles were the Authors of their own Creed. But Sir, I hope you will ſave yourſelf and me that labour, and rather deviſe ſome ſet way to bind up the Churches wounds, which (God knows) are too wide already, that ſo the Clergy and Laity being made friends, and all reduced to the model of our Anceſtors ſince the Reformation, we may all together preſerve the Unity of the Spirit in the bond of peace; and ſo his Majeſty having graciouſly and prudently expreſt himſelf, I am the more confident, we ſhall not only put an end to all miſ-intelligence betwixt Prince and People, but alſo highly advance the Proteſtant cauſe, and give a deadly blow to the See of *Rome*.

Sir, *I humbly crave the favour of the Houſe, for God is my Witneſs*, Non potui aliter liberare animam meam.

THe Speeches before-mentioned Concerning Grievances, and the debates and diſcourſes of other Members did ſo convince the reſt of the Houſe, as when any queſtion was put concerning any conſiderable grievance, not one member of the Houſe gave a No thereunto. Here follow a few of thoſe Votes amongſt many.

Monday, Decemb. 7. 1640.

1. *Reſolved upon the Queſtion*, nullo contradicente.

Votes in Parliament *nemine contradicente.* Ship-money.

THat the Charge impoſed upon the Subjects for the providing and furniſhing of the Ships, and Aſſeſſments for raiſing of money for that purpoſe, commonly called *Ship-money*, are againſt the Laws of the Realm, the Subjects Right of Property, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

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2. *Reſolved upon the Queſtion*, nullo contradicente.

'THat the Extrajudicial Opinions of the Judges publiſhed in the *Star-Chamber*, and Inrolled in the Courts of *Weſtminſter*, in *hæc verba*, *&c.* In the whole and in every part of them are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subject, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

3. *Reſolved upon the Queſtion*, nullo contradicente.

'THat the Writ following in *hæc verba*, *&c.* and the other Writ commonly called the *Ship-Writ*, are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subject, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

Tueſday, Decemb. 15. 1640.

1. *Reſolved upon the Queſtion*, nullo contradicente.

Convocation.

'THat the Clergy of *England* Convented in any Convocation or Synod, or otherwiſe, have no power to make any Conſtitutions, Canons, or Acts whatſoever in matter of Doctrine, Diſcipline or otherwiſe, to bind the Clergy or the Laity of the Land, without common Conſent of Parliament.

2. *Reſolved upon the Queſtion*, nullo contradicente.

'THat the ſeveral Conſtitutions and Canons Eccleſiaſtical, treated upon by the Arch-Biſhops of *Canterbury* and *York* Preſidents of the Convocation for the reſpective Provinces of *Canterbury* and *York*, and the reſt of the Biſhops and Clergy of thoſe Provinces, and agreed upon with the King's Majeſties Licence in their ſeveral Synods begun at *London* and *York*, 1640. do not bind the Clergy or Laity of this Land, or either of them.

Wedneſday, Decemb. 16. 1640.

1. *Reſolved upon the Queſtion*, nullo contradicente.

'THat theſe Canons and Conſtitutions Eccleſiaſtical treated upon, (the Arch-Biſhops of *Canterbury* and *York*, Preſidents of the Convocations for the reſpective Provinces of *Canterbury* and *York*) and the reſt of the Biſhops, and Clergy of thoſe Provinces, and agreed upon with the Kings Majeſties Licence in their ſeveral Synods begun at *London* and *York*, in the year 1640. do contain in them many matters contrary to the Kings Prerogative, to the Fundamental Laws and Statutes of the Realm, to the Right of Parliament,

An. 1640. 'ment, to the Property and Liberty of the Subjects and matters 'tending to Sedition, and of dangerous conſequence.

2. *Reſolved upon the Queſtion,* nullo contradicente.

'THat the ſeveral Grants of the Benevolences, or Contribution granted to his Moſt Excellent Majeſty by the Clergy of the Provinces of *Canterbury* and *York* in the ſeveral Convocations or Synods 'holden at *London* and *York*, *Anno Dom.* 1640. are contrary to the 'Laws, and ought not to bind the Clergy.

AFter the Paſſing of theſe Votes againſt the Judges, and Tranſmitting of them unto the Houſe of Peers, and their concurring with the Houſe of Commons therein, an Addreſs was made unto the King ſhortly after, that his Majeſty for the future would not make any Judge by Patent during pleaſure, but that they may hold their places hereafter, *Quam diu ſe bene geſſerint*, and his Majeſty did readily grant the ſame, and in his Speech to both Houſes of Parliament, at the time of giving his Royal Aſſent to two Bills, one to take away the High Commiſſion Court, and the other the Court of Star-Chamber, and regulating the power of the Council Table, he hath this paſſage, *If you conſider what I have done this Parliament, diſcontents will not ſit in your Hearts, for I hope you remember that I have granted that the Judges hereafter ſhall hold their places,* Quam diu ſe bene geſſerint.

And likewiſe his Gracious Majeſty King *Charles* the Second obſerved the ſame rule and method in granting Patents to Judges, *Quam diu ſe bene geſſerint*, as appears upon Record in the Rolls, (*viz.*) to Serjeant *Hide* to be Lord Chief Juſtice of the King's Bench, Sir *Orlando Bridgeman* to be Lord Chief Baron, and afterwards Lord Chief Juſtice of the Common Pleas, to Sr. *Robert Forſter* and others; Mr. Serjeant *Archer* now living (notwithſtanding his Removal) ſtill enjoys his Patent, being *Quam diu ſe bene geſſerit*, and receives a ſhare in the Profits of that Court, as to Fines and other Proceedings by virtue of his ſaid Patent, and his name is uſed in thoſe Fines, *&c.* as a Judge of that Court.

Articles

16 *Caroli.*

Articles of the Commons aſſembled in Parliament, in maintenance of their Accuſation againſt William Laud *Arch-Biſhop of* Canterbury; *whereby he ſtands charged with High Treaſon, preſented and carried up to the Lords, by Mr.* J. Pym, Feb. 26. 1640.

Mr. Pym *coming to the Lords Bar to preſent the Articles, ſpake as followeth.*

My Lords,

I Am commanded by the Knights, Citizens, and Burgeſſes, now aſſembled for the Commons in Parliament, to deliver to your Lordſhips theſe Articles, in maintenance of their charge againſt the Arch-Biſhop of *Canterbury*: Their deſire is, that, firſt, your Lordſhips would be pleaſed to hear the Articles read; and then I ſhall endeavour to preſent to you the ſence of the Commons, concerning the nature of the Charge, and the order of their Proceedings.

1. That he hath traiterouſly endeavoured to ſubvert the fundamental Laws and Government of this Kingdom of *England*, and inſtead thereof, to introduce an Arbitrary and Tyrannical Government againſt Law; and to that end, hath wickedly and traiterouſly adviſed His Majeſty, that he might, at His own Will and Pleaſure, levy, and take Money of His Subjects, without their conſent in Parliament; and this he affirmed was warrantable by the Law of God.

2. He hath, for the better accompliſhment of that his traiterous deſign, adviſed and procured Sermons, and other Diſcourſes, to be Preached, Printed, and Publiſhed, in which the Authority of Parliaments, and the force of the Laws of this Kingdom, have been denied; and abſolute and unlimited Power over the Perſons and Eſtates of His Majeſties Subjects maintained and defended, not only in the King, but in himſelf, and other Biſhops, againſt the Law: And he hath been a great protector, favourer, and promoter of the publiſhers of ſuch falſe and pernitious opinions.

He hath traiterouſly cauſed a Book of Canons to be compoſed and publiſhed without any lawful Warrant, and Authority in that behalf; in which pretended Canons many matters are contained contrary to the Kings Prerogative, to the fundamental Laws and Statutes of this Realm, to the Right of Parliament, to the Property and Liberty of the Subject, and matters tending to Sedition, and of dangerous conſequence, and to the eſtabliſhment of a vaſt unlawful, and preſumptuous Power in himſelf, and his Succeſſors; many of which Canons by the practice of the ſaid Arch-Biſhop were ſurreptitiouſly paſſed in the late convocation, without due conſideration and debate; others by fear and compulſion were ſubſcribed by the Prelates and Clarks there aſſembled, which had ne-

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ver been voted and paſſed in the Convocation as they ought to have been. And the ſaid Arch-Biſhop hath contrived and endeavoured to aſſure and confirm the unlawful and exorbitant Power which he hath uſurped and exerciſed over his Majeſties Subjects by a wicked and ungodly Oath in one of the ſaid pretended Canons, injoyned to be taken by all the Clergy, and many of the Laity of this Kingdom.

He hath traiterouſly aſſumed to himſelf a Papal and tyrannical Power, both in Eccleſiaſtical and Temporal matters, over His Majeſties Subjects in this Realm of *England*, and in other Places, to the diſheriſon of the Crown, diſhonour of His Majeſty, and derogation of His Supream Authority in Eccleſiaſtical matters; and the ſaid Arch-Biſhop claims the Kings Eccleſiaſtical Juriſdiction, as incident to his Epiſcopal Office, and Archiepiſcopal in this Kingdom, and doth deny the ſame to be derived from the Crown of *England*, which he hath accordingly exerciſed, to the high contempt of His Royal Majeſty, and to the deſtruction of divers of the Kings Liege-People, in their Perſons and Eſtates.

That he hath traiterouſly endeavoured to alter and ſubvert Gods true Religion, by Law eſtabliſhed in this Realm, and inſtead thereof, to ſet up Popiſh ſuperſtition, and Idolatry. And to that end hath declared and maintained in Speeches and Printed Books divers Popiſh Doctrines and Opinions, contrary to the Articles of Religion eſtabliſhed by Law. He hath urged and injoyned divers Popiſh and ſuperſtitious Ceremonies without any Warrant of Law, and hath cruelly perſecuted thoſe who have oppoſed the ſame by corporal puniſhments and impriſonment, and moſt unjuſtly vexed others, who refuſed to conform thereunto by Eccleſiaſtical Cenſures of Excommunication, ſuſpenſion, deprivation, and degradation, contrary to the Laws of this Kingdom.

He hath, for the ſame traiterous and wicked intent, choſen and imployed ſuch Men to be his own Domeſtical Chaplains, whom he knew to be notoriouſly diſaffected to the reformed Religion, groſly addicted to Popiſh Superſtition, and erroneous and unſound both in Judgment and Practiſe; and to them or ſome of them hath he committed the Licenſing of Books to be printed, by which means divers falſe and ſuperſtitious Books have been publiſhed, to the great ſcandal of Religion, and to the ſeducing of many of His Majeſties Subjects.

He hath traiterouſly and wickedly endeavoured to reconcile the Church of *England* with the Church of *Rome*; and for the effecting thereof, hath conſorted and confederated with divers Popiſh Prieſts and Jeſuits, and hath kept ſecret intelligence with the Pope of *Rome*, and by himſelf, his Agents and Inſtruments, treated with ſuch as have from thence received Authority and Inſtruction, he hath permitted and countenanced a Popiſh Hierarchie, or Eccleſiaſtical Government to be eſtabliſhed in this Kingdom: By all which traiterous and malicious Practiſes, this Church and Kingdom hath been exceedingly indangered, and like to fall under the Tyranny of the *Roman* See.

He hath maliciouſly and traiterouſly plotted and endeavoured to ſtir up War and Enmity betwixt His Majeſties two Kingdoms of *England* and *Scotland*, and to that purpoſe hath laboured to introduce into

into the Kingdom of *Scotland* divers Innovations both in Religion and Government, all or the moſt part of them tending to Popery and Superſtition, to the great grievance and diſcontent of His Majeſties Subjects of that Nation; and for their refuſing to ſubmit to ſuch Innovations, he did traiterouſly adviſe His Majeſty to ſubdue them by force of Arms, and by his own Authority and Power, contrary to Law, did procure ſundry of His Majeſties Subjects, and enforced the Clergy of this Kingdom to contribute towards the maintenance of that War: And when His Majeſty with much Wiſdom and Juſtice had made a pacification betwixt the two Kingdoms, the ſaid Arch-biſhop did preſumptuouſly cenſure that pacification, as diſhonourable to His Majeſty, and by his counſels and endeavours ſo incenſed His Majeſty againſt His ſaid Subjects of *Scotland*, that he did thereupon (by advice of the ſaid Arch-biſhop) enter into an offenſive War againſt them, to the great hazard of His Majeſties Perſon, and His Subjects of both Kingdoms. 16 *Caroli.*

The ſaid Commons do further aver, that the ſaid *William* Arch-biſhop of *Canterbury*, during the times that the Crimes afore-mentioned were done and committed, hath been a Biſhop, or Arch-biſhop of this Realm of *England*, one of the Kings Commiſſioners for Eccleſiaſtical matters, and one of His Majeſties moſt Honourable Privy-Council, and hath taken an Oath for his faithful diſcharge of the ſaid Office of Councellor, and hath likewiſe taken an Oath of Supremacy and Allegiance.

Further Articles of Impeachment by the Commons aſſembled in Parliament, againſt William Laud *Arch-Biſhop of* Canterbury, *of High Treaſon, and divers high Crimes and Miſdemeanours, as followeth.*

1. THat the ſaid Arch-biſhop of *Canterbury*, to introduce an arbitrary Government within this Realm, and to deſtroy Parliaments in the third and fourth years of His Majeſties Reign that now is; a Parliament being then called, and ſitting at *Weſtminſter*, traiterouſly and maliciouſly cauſed the ſaid Parliament to be diſſolved, to the great grievance of His Majeſties Subjects, and prejudice of this Common-wealth: And ſoon after the diſſolution thereof, gave divers Propoſitions under his Hand to *George* then Duke of *Bucks*, caſting therein many falſe aſperſions upon the ſaid Parliament, calling it a *Factious Parliament*, and falſely affirming, that it had caſt many ſcandals upon His Majeſty, and had uſed Him like a Child in his minority, ſtiling them *Puritans*, and commending the Papiſts for harmleſs and peaceable Subjects.

2. That within the ſpace of ten years laſt paſt, the ſaid Arch-biſhop hath treacherouſly endeavoured to ſubvert the fundamental Laws of this Realm; and to that end hath in like manner endeavoured to advance the Power of the Council-Table, the Canons of the Church, and the Kings Prerogative, above the Laws and Statutes of the Realm; and for manifeſtation thereof, about ſix years laſt paſt, being then a Privy-Counceller to His Majeſty, and ſitting at

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the Council-Table, he ſaid, 'That as long as he ſat there, they 'ſhould know that an Order of that Board ſhould be of equal force 'with a Law or Act of Parliament.' And at another time uſed theſe words, 'That he hoped e're long that the Canons of the Church, 'and the Kings Prerogative, ſhould be of as great Power as an 'Act of Parliament. And at another time ſaid, 'That thoſe that 'would not yield to the Kings Power, he would cruſh them to 'pieces.

3. That the ſaid Arch-Biſhop, to advance the Canons of the Church, and Power-Eccleſiaſtical above the Law of the Land, and to pervert and hinder the courſe of Juſtice, hath at divers times within the ſaid time, by his Letters, and other undue means and ſollicitations uſed to Judges, oppoſed and ſtopped the granting of His Majeſties Writs of *Prohibition*, where the ſame ought to have been granted, for ſtay of Proceedings in the Eccleſiaſtical Court, whereby Juſtice hath been delayed and hindered, and the Judges diverted from doing their Duties.

4. That for the end and purpoſe aforeſaid, about ſeven years laſt paſt, a Judgment being given in His Majeſties Court of *Kings-Bench* againſt one *Burley* a Parſon, being a Man of bad Life and Converſation, in an Information upon the Statute of *21 Hen. 8.* for wilful non-reſidency, the ſaid Arch-Biſhop, by ſollicitations, and other undue means uſed to the Judges of that Court, cauſed Execution upon the ſaid Judgment to be ſtayed, and being moved therein, and made acquainted with the bad Life and Converſation of the ſaid Parſon, he ſaid, that he had ſpoken to the Judges for him, and that he would never ſuffer a Judgment to paſs againſt any Clergy-man by *Nihil dicit*.

5. That the ſaid Arch-Biſhop, about eight years laſt paſt, being then alſo a Privy-Counceſſor to His Majeſty, for the end and purpoſe aforeſaid, cauſed Sir *John Corbet* of *Stoake* in the County of *Salop* Baronet, then a Juſtice of Peace of the ſaid County, to be committed to the Priſon of the *Fleet*, where he continued Priſoner for the ſpace of half a year or more, for no other cauſe but for calling for the Petition of Right, and cauſing it to be read at the Seſſions of the Peace for that County, upon a juſt and neceſſary occaſion; and during the time of his ſaid Impriſonment, the ſaid Arch-Biſhop, without any colour of Right, by a Writing under the Seal of his Arch-biſhoprick, granted away parcel of the Glebe-Land of the Church of *Adderly* in the ſaid County, whereof the ſaid Sir *John Corbet* was then Patron, unto *Robert* Viſcount *Kilmurry*, without the conſent of the ſaid Sir *John*, or then the Incumbent of the ſaid Church; which ſaid Viſcount *Kilmurry* built a Chappel upon the ſaid parcel of Glebe-Land, to the great prejudice of the ſaid Sir *John Corbet*, which hath cauſed great Suits and Diſſentions between them. And whereas the ſaid Sir *John Corbet* had a Judgment againſt Sir *James Stonehouſe* Knight, in an Action of *Waſt*, in His Majeſties Court of *Common-Pleas* at *Weſtminſter*, which was afterwards affirmed in a Writ of *Error* in the *Kings-Bench*, aud Execution thereupon awarded; yet the ſaid Sir *John*, by means of the ſaid Arch-Biſhop, could not have the effect thereof, but was committed to the Priſon by the ſaid Arch-Biſhop, and others at the Council-Table, until he had ſubmitted

mitted himſelf unto the Order of the ſaid Table; whereby he loſt the benefit of the ſaid Judgment and Execution.

6. That whereas divers Gifts, and diſpoſitions of divers Sums of Money were heretofore made by divers charitable and well-diſpoſed Perſons, for the buying in of divers Impropriations for the maintenance of Preaching the Word of God in ſeveral Churches, the ſaid Arch-Biſhop, about eight years laſt paſt, wilfully and maliciouſly cauſed the ſaid Gifts, Feoffments, and Conveyances made to the uſes aforeſaid, to be overthrown in His Majeſties Court of *Exchequer*, contrary to Law, as things dangerous to the Church and State, under the ſpecious pretence of buying in Impropriations; whereby that Pious Work was ſuppreſſed and trodden down, to the great diſhonour of God, and ſcandal of Religion.

7. That the ſaid Arch-Biſhop at ſeveral times, within theſe ten years laſt paſt, at *Weſtminſter*; and elſewhere within this Realm, contrary to the known Laws of this Land, hath endeavoured to advance Popery and Superſtition within the Realm: And for that end and purpoſe hath wittingly and willingly received, harboured, and relieved divers Popiſh Prieſts and Jeſuits, namely one called *Sancta Clara, alias Dampor*t, a dangerous Perſon, and *Franciſcan* Friar, who having written a Popiſh and Seditious Book, entituled *Deus natura gratia*, wherein the 39 Articles of the Church of *England*, eſtabliſhed by Act of Parliament, were much traduced and ſcandalized: The ſaid Arch-Biſhop had divers Conferences with him, while he was in writing the ſaid Book; and did alſo provide maintenance and entertainment for one *Monſieur St. Gyles*, a Popiſh Prieſt at *Oxford*, knowing him to be a Popiſh Prieſt.

8. That the ſaid Arch-Biſhop, about four years laſt paſt, at *Weſtminſter* aforeſaid, ſaid, That there muſt be a Blow given to the Church, ſuch as hath not been yet given, before it could be brought to conformity; declaring thereby his intention to be, to ſhake and alter the true Proteſtant Religion eſtabliſhed in the Church of *England*.

9. That in or about the Month of *May* 1640. preſently after the diſſolution of the laſt Parliament, the ſaid Arch-Biſhop, for the ends and purpoſes aforeſaid, cauſed a Synod or Convocation of the Clergy to be held for the ſeveral Provinces of *Canterbury* and *York*; wherein were made and eſtabliſhed by his means and procurement divers Canons and Conſtitutions-Eccleſiaſtical, contrary to the Laws of this Realm, the Rights and Priviledges of Parliament, the Liberty and Property of the Subject, tending alſo to Sedition, and of dangerous conſequence: And amongſt other things the ſaid Arch-Biſhop cauſed a moſt dangerous and illegal Oath to be therein made and contrived, the tenor whereof followeth in theſe words. That I *A. B.* do ſwear, that I do approve the Doctrine and Diſcipline or Government eſtabliſhed in the Church of *England*, as containing all things neceſſary to Salvation; and that I will not endeavour by my ſelf, or any other, directly or indirectly, to bring in any Popiſh Doctrine, contrary to that which is ſo eſtabliſhed: Nor will I ever give my conſent to alter the Government of this Church by Arch-Biſhops, Biſhops, Deans, and Arch-Deacons, *&c.* as it ſtands now eſtabliſhed, and as by right it ought to ſtand; nor yet ever to ſubject it to the uſurpations and ſuperſtitions

of

An. 1640. of the See of *Rome.* And all theſe things do I plainly and ſincerely acknowledge and ſwear according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, or mental evaſion, or ſecret reſervation whatſoever; and this I do heartily, willingly and truly upon the faith of a Chriſtian: So help me God in Jeſus Chriſt. Which Oath the ſaid Arch-Biſhop himſelf did take, and cauſed divers other Miniſters of the Church to take the ſame, upon pain of ſuſpenſion, and deprivation of their Livings, and other ſevere Penalties: And did alſo cauſe *Godfrey*, then Biſhop of *Glouceſter*, to be committed to Priſon, for refuſing to ſubſcribe to the ſaid Canons, and to take the ſaid Oath; and afterwards, the ſaid Biſhop ſubmitting himſelf to take the ſaid Oath, he was ſet at liberty.

10. That a little before the calling of the laſt Parliament, *Anno* 1640. a Vote being then paſſed, and a *Reſolution* taken at the Council-Table; by the Advice of the ſaid Arch-Biſhop, *for aſſiſting of the King in extraordinary ways*, if *the ſaid Parliament ſhould prove peeviſh*, and *refuſe to ſupply His Majeſty*; the ſaid Arch-Biſhop wickedly and maliciouſly adviſed His Majeſty to diſſolve the ſaid Parliament, and accordingly the ſame was diſſolved: And preſently after the ſaid Arch-Biſhop told His Majeſty, *That now he was abſolved from all Rules of Government*, and *left free to uſe extraordinary ways for his Supply.*

For all which matters and things the ſaid Commons aſſembled in Parliament, in the Name of themſelves, and all the Commons of *England*, do Impeach the ſaid Arch-Biſhop of *Canterbury* of High Treaſon, and other Crimes and Miſdemeanours, tending to the ſubverſion of our Religion, Laws, and Liberties, and to the utter ruine of this Church and Common-wealth.

And the ſaid Commons by proteſtation ſaving to themſelves the liberty of exhibiting at any time hereafter, any further, or other Accuſation or Impeachment againſt the ſaid *William Laud* Arch-Biſhop of *Canterbury*, and alſo of replying to the Anſwer that he ſhall make unto the ſaid Articles, or any of them; or offering proof of the Premiſſes; or any other Impeachments or Accuſations that ſhall be exhibited by them, as the Cauſe ſhall (according to the courſe of Parliaments) require; do pray, that he the ſaid *William Laud* Arch-Biſhop of *Canterbury* may be called to anſwer the ſaid ſeveral Crimes and Miſdemeanours, and receive ſuch condign puniſhment as the ſame ſhall deſerve: And that ſuch further Proceedings may be upon every one of them had, and uſed againſt him, as is agreable to Law and Juſtice.

The Charge of the Scottiſh *Commiſſioners againſt the Prelate of* Canterbury.

NOvations in Religion, which are univerſally acknowledged to be the main cauſe of Commotions in Kingdoms and States, and are known to be the true cauſe of our preſent troubles, were many and great, beſides the Books of Ordination and Homilies;

ſome

17 *Caroli.*

1. Some particular alterations in matters of Religion, preſſed upon us without order, and againſt Law, contrary to the form eſtabliſhed in our Kirke. 2. A new Book of Canons and Conſtitutions-Eccleſiaſtical. 3. A Liturgy, or Book of Common-Prayer, which did alſo carry with them many dangerous Errors in matters of Doctrine; of all which we challenge the Prelate of *Canterbury*, as the prime cauſe on Earth.

And firſt, that this Prelate was the Author and Urger of ſome particular changes which made great diſturbance amongſt us, we make manifeſt:

Firſt, by fourteen Letters ſubſcribed *William Cant.* in the ſpace of two years, to one of our pretended Biſhops, *Bannatine*, wherein he often enjoyneth him, and other pretended Biſhops, to appear in the Chappel in their *Whites*, contrary to the Cuſtom of our Kirke, and to his Promiſe made to the pretended Biſhops of *Edenburgh* at the Coronation, that none of them after that time ſhould be preſſed to wear theſe Garments, thereby moving him againſt his will to put them on for that time, wherein he directeth him to give order for ſaying the *Engliſh* Service in the Chappel twice a day for his neglect, ſhewing him that he was diſappointed of the Biſhoprick of *Edenburgh*, promiſing him, upon the greater care of theſe Novations, advancement to a better Biſhoprick, taxing him for his boldneſs in Preaching the ſound Doctrine of the reformed Kirks againſt Mr. *Mitchel*, who had taught the Errors of *Arminius* in the Point of the extent of Merit of Chriſt, bidding him ſend up a Liſt of the Names of Councellors and Senators of the Colledge of Juſtice, who did not communicate in the Chappel in a form which was not received in our Kirk, commending him when he found him obſequious to theſe his Commands, telling him, that he had moved the King the ſecond time for the puniſhment of ſuch as had not received in the Chappel; and wherein he upbraideth him bitterly, that in his firſt Synod at *Aberdein* he had only diſputed againſt our Cuſtom of *Scotland*, of faſting ſometimes on the Lords-day, and preſumptuouſly cenſuring our Kirk, that in this we were oppoſite to Chriſtianity it ſelf; and amongſt us there were no Canons at all.

The ſecond Novation which troubled our Peace, was a Book of Canons, and Conſtitutions-Eccleſiaſtical, obtruded upon our Kirk, found by our General Aſſembly to be deviſed for eſtabliſhing a Tyrannical Power in the Perſons of our Prelates over the Worſhip of God, over the Conſciences, Liberties and Goods of the People, and for aboliſhing the whole Diſcipline and Government of our Kirk, by General and Provincial Aſſemblies, Presbyteries, and Kirk-Seſſions, which was ſetled by Law, and in continual practice ſince the time of Reformation; that *Canterbury* was Maſter of this Work is manifeſt.

He will not have Canons come from the Authority of Synods, but from the Power of Prelates, or from the Kings Prerogative.

Thirdly, the formidable Canon, *Cap.* 1. 3. threatning no leſs than Excommunication againſt all ſuch Perſons, whoſoever ſhall open their mouths againſt any of theſe Books, proceeded not from our Prelates, nor is to be found in the Copy ſent

An. 1640. ſent from them, but is a Thunder-bolt forged in *Canterburies* own Fire.

The third and great Novation was the Book of Common-Prayer, Adminiſtration of the Sacraments, and other parts of Divine Service, brought in without Warrant from our Kirk, to be univerſally received, as the only form of Divine Service, under all higheſt pains both Civil and Eccleſiaſtical, which is found by our National Aſſembly, beſides the Popiſh freme and forms in Divine Worſhip, to contain many Popiſh Errors and Ceremonies, and the Seeds of manifold and groſs Superſtitious and Idolatrous, and to be repugnant to the Doctrine and Diſcipline and order of our Reformation, to the confeſſion of Faith, Conſtitutions of General Aſſemblies and Acts of Parliament, eſtabliſhing the true religion; that this alſo was *Canterburies* Work we make manifeſt.

By the Memoirs and Inſtruction ſent unto him from our Prelates; wherein they gave a ſpecial account of the diligence they had uſed, to do all which herein they were enjoyned by the approbation of the Service-Book ſent to them; and of all the Marginal Correction, wherein it varieth from the *Engliſh* Books, ſhewing their deſire to have ſome few things changed in it, which notwithſtanding was not granted: This we find written by St. *Androis* own hand, and ſubſcribed by him, and nine other of our Prelates.

But the Book it ſelf, as it ſtandeth Interlined, Margined, and patch'd up, is much more than all that is expreſſed in his Letters, and the Changes and Supplements themſelves taken from the Maſs-Book, and other *Romiſh* Rituals, by which he maketh it to vary from the Book of *England*.

The Corporal Preſence of Chriſts Body in the Sacrament is alſo to be found here; for the words of the Maſs-Book ſerving to this purpoſe, which are ſharply cenſured by *Bucer*, in King *Edwards* Liturgy, and are not to be found in the Book of *England*, are taken in here: *Almighty God is in-called, that of his Almighty Goodneſs he may vouchſafe ſo to Bleſs and Sanctify with his Word and Spirit theſe Gifts of Bread and Wine, that they may be unto us the Body and Blood of Chriſt.*

The Change here is made a Work of Gods Omnipotency: The words of the Maſs, *ut fiant nobis*, are Tranſlated in King *Edwards* Book, *That they be unto us*, which are again turned into *Latin* by *Aleſuis*, *ut fiant nobis*; on the other part the expreſſions of the Book of *England*, at the delivery of the Elements feeding on Chriſt by Faith, and of eating and drinking in remembrance that Chriſt died for thee, are utterly declared; many Evidences there be in this part of the Communion, of the Bodily Preſence of Chriſt, very agreeable to the Doctrines taught by his Sectaries, which this Paper cannot contain. They teach us, *That Chriſt is received in the Sacrament, Corporaliter, both Objective and Subjective, Corpus Chriſti eſt Objectum quod recipitur, & Corpus noſtrum Subjectum quo recipitur.*

Our Supplications were many againſt theſe Books, but *Canterbury* procured them to be anſwered with terrible Proclamations. We were conſtrained to uſe the remedy of Proteſtation; but for our Proteſtations, and other lawful means, which we uſed for our deliverance, *Canterbury* procured us to be declared Rebels and Traitors

in

in all Pariſh-Kirks of *England*: When we were ſeeking to poſſeſs our Religion in peace againſt theſe Devices and Novations, *Canterbury* kindleth War againſt us. In all theſe it is known that he was, although not the ſole, yet the principal Agent and Adviſer.

When by the Pacification at *Barwick*, both Kingdoms looked for peace and quietneſs, he ſpared not openly in the hearing of many, often before the King, and privately at the Council-Table, and the Privy Jointo, to ſpeak of us as Rebels and Traitors, and to ſpeak againſt the Pacification as diſhonourable, and meet to be broken. Neither did his malignancy and bitterneſs ever ſuffer him to reſt till a new War was entred upon, and all things prepared for our deſtruction.

When our Commiſſioners did appear to render the Reaſons of our demands, he ſpared not, in the preſence of the King and Committee, to rail againſt our National Aſſembly as not daring to appear before the World and Kirks abroad; where himſelf and his actions were able to endure tryal: And againſt our juſt and neceſſary defence as the moſt malicious and treaſonable contempt of Monarchial Government that any by-gone Age heard of; his hand was alſo at the Warrant for the reſtraint and impriſonment of our Commiſſioners, ſent from the Parliament warranted by the King, and ſeeking the Peace of the Kingdoms.

When we had by our Declarations, Remonſtrances, and Repreſentations, manifeſted the truth of our intentions, and lawfulneſs of our actions to all the good Subjects of the Kingdom of *England*, when the late Parliament could not be moved to aſſiſt or enter in War againſt us, maintaining our Religion, and Liberties, *Canterbury* did not only adviſe the breaking up of that High and Honourable Court, to the great grief and hazard of the Kingdom, but (which is without example) did ſit ſtill in the Convocation, and make Canons and Conſtitutions againſt us, and our juſt and neceſſary defence; ordaining under all higheſt pains, that hereafter the Clergy ſhall preach four times in the year againſt our Proceedings.

And as if this had not been ſufficient, he procured ſix Subſidies to be lifted of the Clergy, under pain of deprivation to all that ſhould refuſe. And which is yet worſe, and above which malice it ſelf cannot aſcend, by his means a Prayer is framed, Printed, and ſent through all Pariſhes of *England*, to be ſaid in all Churches in time of Divine Service, next after the Prayer for the Queen and Royal Progeny, againſt our Nation by name of Traiterous Subjects, having caſt off all obedience to our anointed Sovereign, and coming in all rebellious manner to invade *England*, that ſhame may cover our faces as Enemies to God and the King.

We are therefore confident that your Lordſhips will, by your means, deal effectually with the Parliament, that this great Firebrand be preſently removed from His Majeſties Preſence, and that he may be put to tryal, and put to his deſerved Cenſure according to the Laws of the Kingdom.

On the 22*d* of *January* the Arch-Biſhop, perſonally appearing at the Lords Bar according to the former Orders, did then put in this following Anſwer both to the Commons original and additional Articles.

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The humble Anſwer of *William* Arch-Biſhop of *Canterbury* to the firſt and further Articles of Impeachment, brought up by the Honourable Houſe of Commons againſt him, and by Order of the Right Honourable the Lords in Parliament of the *16th* of this inſtant directed to be put in.

As to the *13th* Article of the ſaid firſt Articles, and the matters therein charged, and all matters or things in the ſame, or any of the reſt of the ſaid Articles contained, which concern any Act of Hoſtility, whether between the King and His Subjects, or between Subject and Subject, or which may be conceived to ariſe upon the coming of any *Engliſh* Army againſt *Scotland*, or the coming of the *Scottiſh* Army into *England*, or upon any Action, Attempt, Aſſiſtance, Councel or Device, having relation thereunto, and falling out by the occaſion of the late Troubles preceding the late Concluſion of the Treaty, and return of the *Scottiſh* Army into *Scotland*; this Defendant ſaith, That it is Enacted by an Act made during the ſitting of this preſent Parliament, That the ſame, and whatſoever hath enſued thereupon, whether trenching upon the Laws and Liberties of the Church and Kingdom, or upon His Majeſties Honour and Authority, in no time hereafter may be called in queſtion, or reſented as a wrong National, or Perſonal, and that no mention be made thereof in time coming, neither in Judgment nor out of Judgment; but that it be held and reputed as though never ſuch things had been thought or wrought, as by the ſaid Act may more at large appear, with this, that this Defendant doth aver, that he is none of the Perſons excepted by the ſaid Act, or the ſaid Offences charged upon this Defendant any of the offences excepted by the ſaid Act.

And as to all the reſt of the ſaid firſt and further Articles; this Defendant ſaving to himſelf all advantages of exception to the ſaid Articles, humbly ſaith, He is not guilty of all or any of the matters by the ſaid Articles charged, in ſuch manner and form as the ſame are by the ſaid Articles charged againſt him.

W. Cant.

After the before-mentioned Articles were read, the Arch-Biſhop made this following Speech.

My Lords,

'MY being in this place in this condition, recalls to my memo-
'ry that which I long ſince read in *Seneca*, *Tormentum eſt,*
'*etiamſi abſolutus quis fueris, cauſam dixiſſe*; (*6. de Benef. c.* 28.)
'Tis not a grief only, no, 'tis no leſs than a torment for an inge-
'nuous Man to plead capitally or criminally, though it ſhould ſo
'fall out that he be abſolved. The great truth of this I find at
'preſent in my ſelf; and ſo much the more, becauſe I am a Chriſtian,
'and not that only, but in Holy Orders; and not ſo only, but by
'Gods Grace and Goodneſs preferred to the greateſt Place this
'Church affords, and yet brought, *cauſam dicere*, to plead for my
'ſelf at this great Bar.

'And

16 *Caroli.*

'And whatſoever the World think of me (and they have been 'taught to think much more ill of me, than, I humbly thank Chriſt 'for it, I was ever acquainted with) yet, my Lords, this I find, '*Tormentum eſt*, 'tis no leſs than a Torment to me to appear in this 'place.

'Nay, my Lords, give me leave to ſpeak plain truth; no Sen-'tence that can juſtly paſs upon me, (and other I will never fear 'from your Lordſhips) can go ſo near me, as *Cauſam dicere*, to 'plead for my ſelf upon this occaſion, and in this place.

'For as for the Sentence, be it what it ſhall, I thank God for 'it, I am for it at St. *Pauls* word, (*Acts* 25. 11.) *If I have com-'mitted any thing worthy of death, I refuſe not to die.* For I thank 'God I have ſo lived, as that I am neither afraid to die, nor aſhamed 'to live. But ſeeing the malignity which hath been raiſed againſt 'me by ſome Men, I have carried my very Life in my Hands theſe 'divers years paſt: But yet, my Lords, if there be none of theſe 'things whereof they accuſe me, though I may not in this Caſe, 'and from this Bar, appeal unto *Cæſar*, yet to your Lordſhips Juſtice 'and Integrity I both may and do; not doubting, but that God of 'his Goodneſs will preſerve my Innocency.

'And as *Job* in the midſt of his affliction ſaid to his miſtaken 'friends, ſo ſhall I to my Accuſers; God forbid I ſhould juſtifie you, 'till I die I will not remove mine Integrity from me, I will hold it 'faſt, and not let it go, my Heart ſhall not reproach me as long as I 'live, *Job* 22. 5.

'My Lords, The Charge againſt me is brought up in ten Arti-'cles, but the main Heads are two; An endeavour to ſubvert the 'Laws of the Land, and the Religion eſtabliſhed; ſix Articles, '(the five, firſt and the laſt) concern the Laws, and the other 'four, Religion.

'For the Laws, firſt I may ſafely ſay, I have been to my under-'ſtanding as ſtrict an obſerver of them all the days of my life, ſo 'far as they concern me, as any Man hath; and ſince I came into 'Place, I have followed them, and been as much guided by them 'as any Man that ſate where I had the Honour to ſit. And of this 'I am ſorry I have loſt the Teſtimony of the Lord Keeper *Coventry*, 'and other Perſons of Honour ſince dead.

'And the Council which attended at the Council-Board can wit-'neſs, ſome of them here preſent, that in all references to the 'Board, or debates ariſing at the Board, I was for that part of the 'Cauſe where I found Law to be; and if the Council deſired to 'have the Cauſe left to the Law, well I might move in ſome Cau-'ſes Charity or Conſcience to them; but I left them to the Law, 'if thither they would go; and how ſuch a carriage as this through 'the whole courſe of my Life in private and publick can ſtand 'with an intention to overthrow the Laws, I cannot yet ſee.

'Nay more, I have ever been of opinion, That Laws bind the 'Conſcience, and have accordingly, made Conſcience of obſerving 'them; and this Doctrine I have conſtantly preached as occaſion 'hath been offered me; and how is it poſſible, I ſhould ſeek to 'overthrow thoſe Laws which I held my ſelf bound in Conſcience 'to keep and obſerve.

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'As for Religion, I was born and bred up in and under the Church 'of *England*, as it ſtands eſtabliſhed by Law; I have by Gods Bleſ-'ſing, grown up in it to the years which are now upon me, and to 'the Place of preferment which I now bear.

'I have, ever ſince I underſtood ought in my Profeſſion, kept 'one conſtant Tenor in this my Profeſſion, without variation or 'ſhifting from one opinion to another, for any worldly ends: And 'if my Conſcience would have ſuffered me to do ſo, I could eaſily 'have ſlid through all the difficulties which I have preſt upon me 'in this kind; but of all Diſeaſes, I have ever held a Palſey in Re-'ligion moſt dangerous, well knowing and remembring that Diſ-'eaſe often ends in a dead Palſie.

'Ever ſince I came in Place, I have laboured nothing more than 'that the Eternal publick Worſhip of God (ſo much ſlighted in 'divers parts of this Kingdom) might be preſerved, and that with 'as much decency and uniformity as might be; for I evidently 'ſaw, that the publick neglect of Gods Service in the outward 'face of it, and the naſty lying of many Places dedicated to that 'Service, had almoſt caſt a damp upon the true and inward Worſhip 'of God, which while we live in the Body, needs external helps, 'and all little enough to keep it in vigour. And this I did to the 'uttermoſt of my knowledge, according both to Law and Canon, 'and with the conſent and liking of the People; nor did any com-'mand iſſue from me againſt the one, or without the other.

'Further, my Lords, give me leave, I beſeech you, to acquaint 'you with this alſo, that I have as little acquaintance with Recu-'ſants, as I believe any man of my Place of *England* hath, or 'ever had ſithence the Reformation; and for my Kindred, no one 'of them was ever a Recuſant, but Sir *William Web*, Grand-child 'to Sir *William Web*, ſometimes Lord Major of *London*, and ſince 'which ſome of his Children I reduced back to the Church of '*England*.

'On this, one thing more I humbly deſire may be thought on, 'That I am fall'n into a great deal of obloquy in matter of Religion, 'and that ſo far, (as appears by the Articles againſt me) that I 'have endeavoured to advance and bring in Popery: Perhaps, my 'Lords, I am not ignorant what Party of Men have raiſed theſe 'ſcandals upon me, nor for what end, nor perhaps by whom ſet on; 'but howſoever, I would fain have a good reaſon given me, if my 'Conſcience ſtood that way, and that with my Conſcience I could 'ſubſcribe to the Church of *Rome*, what ſhould have kept me here 'before my Impriſonment to endure the libelling and the ſlander, 'and the baſe uſage that hath been put upon me, and theſe to end 'in this queſtion for my Life? I ſay, I would know a good reaſon 'for this.

'Firſt, my Lords, is it becauſe of any Pledges I have in the 'World to ſway me againſt my Conſcience? No ſure, for I have 'neither Wife nor Children to cry out upon me to ſtay with them; 'And if I had, I hope the calling of my Conſcience ſhould be 'heard above them.

'Is it becauſe I was loth to leave the Honour and Profit of the 'Place I was riſen to? Surely no, for I deſire your Lordſhips, and 'all the World ſhould know, I do much ſcorn the one and the other,

'in

16 *Caroli.*

'in compariſon of my Conſcience. Beſides it cannot be imagined 'by any man, but that if I ſhould have gone over to them, I ſhould 'not have wanted both honour and profit, and ſuppoſe not ſo great 'as this I have here, yet ſure would my Conſcience have ſerved my 'ſelf of either, leſs with my Conſcience would have prevailed with 'me more than grater againſt my Conſcience.

'Is it becauſe I lived here at eaſe, and loath to venture that? 'Not ſo neither, for whatſoever the world may be pleaſed to 'think of me, I have led a very painful life, and ſuch as I would 'have been content to change, had I well known how; and 'would my Conſcience have ſerved me that way, I am ſure I 'might have lived at far more eaſe, and either have avoided the 'barbarous libelling and other bitter grievous ſcorns which have 'been put upon me, or at leaſt been out of the hearing of them.

'Not to trouble your Lordſhips too long, I am ſo innocent in 'the buſineſs of Religion, ſo free from all practice, or ſo much as 'thought of practice for any alteration unto Popery, or any ble- 'miſhing the true Proteſtant Religion eſtabliſhed in *England*, as I 'was when my Mother firſt bore me into the world; and let no- 'thing be ſpoken but truth, and I do here challenge whatſoever 'is between Heaven or Hell, that can be ſaid againſt me in point 'of my Religion, in which I have ever hated diſſimulation. And 'had I not hated it, perhaps I might have been better for world- 'ly ſafety than now I am, but it can no way become a Chriſtian 'Biſhop to halt with God.

'*Laſtly*, If I had any purpoſe to blaſt the true Religion eſtabliſh- 'ed in the Church of *England*, and to introduce Popery, ſure I 'took a wrong way to it; for, My Lords, I have ſtaid more going 'to *Rome*, and reduced more that were already gone, than, I be- 'lieve any Biſhop or Divine in this Kingdom hath done; and ſome 'of them, men of great abilities, and ſome Perſons of great place; 'and is this the way to introduce Popery?

'My Lords, If I had blemiſhed the true Proteſtant Religion, 'how could I have brought theſe men to it? And if I had promi- 'ſed to introduce Popery, I would never have reduced theſe men 'from it.

'And that it may appear unto your Lordſhips how many, and of 'what condition the Perſons are, which by Gods bleſſing upon 'my Labours, I have ſetled in the true Proteſtant Religion eſta- 'bliſhed in *England*: I ſhall briefly name ſome of them, though 'I cannot in order of time as I converted them.

'*Henry Berkinſtead* of *Trinity* Colledge *Oxon*, ſeduced by a Je- 'ſuit and brought to *London*, (the Lords and others perceiving 'him to be *Berchinhead*, the Author of all the Libellous Popiſh 'Oxford Aulicuſſes, againſt the Parliament, at the naming of him 'ſmiled; which the Arch-biſhop perceiving, ſaid, My Lords, I 'mean not *Brchinhead* the Author of *Oxford* Aulicus, but ano- 'ther.)

'Two Daughters of Sir *Richard Lechford*, in *Surrey*, ſent to- 'wards a Nunnery.

'Two Schollers of Saint *Johns* Colledge *Cambridge*, *Toppin* and '*Aſhton*, who had got the *French* Ambaſſadors Paſs, and after this 'I allowed means to *Toppin*, and then procured him a Fellowſhip

'in

An. 1640.

'in Saint *Johns*; and he is at this preſent as hopeful a Young Man 'as any of his time, and a Divine.

'Sir *William Webb*, my Kinſman, and two of his Daughters, 'and his Son I took from him; and his Father being utterly decay-'ed, I bred him at my own charge, and he is a very good Pro-'teſtant.

'A Gentleman brought to me by Mr. *Chesford*, His Majeſties Ser-'vant, but I cannot recall his name.

'The Lord *Mayo* of *Ireland*, brought to me alſo by Mr. *Chesford*.

'The Right Honourable the Lord Duke of *Buckingham*, almoſt 'quite gone between the Lady his Mother and Siſter.

'The Lady Marqueſs *Hamilton*, was ſetled by my direction, 'and ſhe died very religiouſly, and a Proteſtant.

'Mr. *Digby*, who was a Prieſt.

'Mr. *James*, a Gentleman brought to me by a Miniſter in *Buck-'inghamſhire*, as I remember.

'Dr. *Heart* the Civilian, my Neighbours Son at *Fulham*.

'Mr. *Chriſtopher Seaburn*, a Gentleman of an antient Family in '*Herefordſhire*.

'The Right Honourable the Counteſs of *Buckingham*.

'Sir *William Spencer* of *Paruton*.

'Mr. *Shillingworth*.

'The Sons and Heirs of Mr. *Winchcomb*, and Mr. *Wolleſcot*, whom 'I ſent with their Friends liking to *Wadham* Colledge, *Oxford*; 'and received a certificate *1638* of their continuing in Conformity 'to the Church of *England*: Nor did ever any one of theſe named 'relapſe again, but only the Counteſs of *Buckingham* and Sir *Wil-'liam Spencer*; it being only in Gods power, not mine, to preſerve 'them from relapſe.

'And now let any Clergy-man of *England* come forth and give 'a better account of his Zeal to the Church.

Here followeth ſome Paſſages concerning Auricular Confeſſion.

The Contents of Mr. *Adams* his Sermon about Auricular Confeſſion.

ONe Mr. *Adams* Preaching publickly in Saint *Maries* Church in *Cambridge* before the Univerſity, on *John* 20. 23. *Whoſoever ſins ye remit they are remitted*, &c. uſed theſe exorbitant Popiſh aſſertions touching confeſſion of ſins to Prieſts; that a ſpecial confeſſion unto a Prieſt (actually where time and opportunity preſents its ſelf, or otherwiſe in explicite intention, and reſolution) of all our ſins committed after Baptiſm, ſo far forth as we do remember, is neceſſary unto Salvation, in the judgement of Fathers, Schoolmen, and almoſt all Antiquity, not only *neceſſitate præcepti*, but alſo *neceſſitate medii*, ſo that according to the ordinary, or revealed means appointed by Chriſt, there can be no Salvation without the aforeſaid Confeſſion. That Chriſt intended this Confeſſion of our ſins in ſpecial before the Prieſt, for a neceſſary means to bring us to ſalvation; and to fruſtrate his intention or will through miſconceits, what were it more but an Argument no leſs of indiſcretion, than of madneſs and impiety? That God being an Enemy to all ſin will not pardon any, if we willingly conceal but one in our confeſſion to the Prieſt. That Confeſſion is as neceſſary to Salvation as the Miniſtry of Baptiſm, as neceſſary to Salvation as meat is to the Body. That

16 *Caroli.*

That ſince Chriſt ordained a Tribunal-Seat of Judgement, where ſins ſhould be remitted or retained at the diſcretion of a lawful Miniſter (as was evident by the Text he did;) then without doubt 'twas his intention that the Faithful ſhould neceſſarily confeſs all their ſins before the Prieſt, ſo far forth as they remember, for the purchaſing of his pardon and remiſſion. This he averred to be (as he conceived) the Doctrine of the Church of *England*, contained in our Lyturgie. That Confeſſion is a Duty of far more Antiquity and Extent than ever Popery was, in regard 'twas inſtituted by our Saviour, practiſed by the Apoſtles, the Holy Fathers and all ſucceeding Ages, and therefore though the Papiſts uſe it, it is not, it cannot be, as ſome would have it, a point of Popery; what! ſhall their errors in ſome Tenets prejudice the Truth in this? What! ſhall we refuſe the Grape becauſe the Stalk is withered? This were a Puritannical Novation-Nicety. I never heard of any thing but a fooliſh Cock that ever refuſed a Gem, though in a Dunghil.

Mr. *Adams* queſtioned for this Sermon.

The whole Sermon being to this effect, Dr. *Ward*, Dr. *Love*, Dr. *Brownrig* and Dr. *Holdſworth*, took exceptions againſt this Sermon, as Scandalous and Popiſh, whereupon Mr. *Adams* was Convented for it before the Vicechancellor and Heads, who both required and peruſed the Copy of his Sermon; which done the Vice-chancellor Dr. *Brownrig*, drew up this enſuing Recantation, which he enjoyned him to make in publick, to give ſatisfaction to thoſe whom his Sermon had ſcandalized.

WHereas, *&c.* on *Sunday* the 25*th* of *June* laſt, in my publick Sermon on theſe words (Saint *John* 20. 23. *Whoſe ſins ye remit, they are remitted, and whoſe ſins ye retain, they are retained*; I delivered this Doctrine, that a ſpecial confeſſion unto a Prieſt (actually, where time or opportunity preſents it ſelf, or otherwiſe in explicit intention, and reſolution) of all our ſins committed after Baptiſm, ſo far forth as we do remember, is neceſſary unto Salvation, not only *neceſſitate præcepti*, but alſo *neceſſitate medii*; ſo that according to the Ordinance, or revealed means appointed by Chriſt, there can be no Salvation without the aforeſaid Confeſſion; upon more mature thoughts, and better information, I do find that this Doctrine then delivered, was both erroneous, and dangerous, having not warrant from the word of God, and croſſing the Doctrine of our Church, as may appear by her Lyturgie in the ſecond Exhortation at the Communion, and in the Viſitation of the Sick, and in the ſecond part in the Homily of Repentance. As therefore in general, I do acknowledge in the words of the aforeſaid Homily, that it is moſt evident and plain, that this auricular Confeſſion hath not his warrant of Gods word, and that therefore being not led with the Conſcience thereof, if we with fear and trembling, and with a contrite heart, uſe that kind of Confeſſion, which God doth command in his word (namely an unfeigned Confeſſion unto Almighty God himſelf) then doubtleſs (as he is faithful and true) he will forgive us our ſins, and make us clean from all our wickedneſs; ſo in the caſe of a troubled, or doubtful Conſcience, I do conform my Opinion unto the direction of

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of our Church, which in her Lyturgie doth exhort, and require thoſe whoſe Conſciences are troubled with any weighty matter to a ſpecial Confeſſion, ſo that they who cannot quiet their own Conſciences, are to repair to their own, or ſome other diſcreet and learned Miniſter of Gods Word to open to them their grief, that ſo they may receive ſuch ghoſtly Counſel, Advice and Comfort, as their Conſciences may be relieved, and by the Miniſtry of Gods word, they may receive Comfort and the Benefit of Abſolution to the quieting their Conſcience, and the avoiding of all ſcruple and doubtfulneſs. But it is againſt true Chriſtian liberty, that any man ſhould be bound to the numbering of his ſins, as it hath been uſed heretofore in times of ignorance and blindneſs. This I do acknowledge to be the Doctrine of the Church of *England* concerning Confeſſion, and to it I do *ex animo*, ſubſcribe, and am heartily ſorry for what ever I have delivered to the contrary.

Mr. *Adams* refuſed to make this Recantation, ſaying he was not conſcious to himſelf of any thing he had ſaid in his Sermon contrary to the Doctrine of the Church of *England*; whereupon at a full meeting of the Doctors it was put to the Vote whether this Recantation ſhould be enjoyned him or no, Dr. *Ward*, Dr. *Bambridge*, Dr. *Banhcroft*, Dr. *Love*, Dr. *Holdſworth* and the Vice-Chancellor voted he ſhould make this Recantation, but Dr. *Collins*, Dr. *Smith*, Dr. *Cumber*, Dr. *Couſin*, Dr. *Lany*, Dr. *Martin*, Dr. *Stern*, and Dr. *Eden* voted againſt the making of it; ſo Mr. *Adams* without making any Submiſſion or Recantation at all was diſmiſſed, and the whole proceedings in this buſineſs were ſent up to the Arch-Biſhop of *Canterbury*, and found in his Study at the Tower indorſed with his own hand thus, received *March* 16. 1637. Dr. *Couſins* Letter about the proceedings of *Brownrig* Vice-Chancellor of *Cambridge* againſt Mr. *Adams*, for his Sermon about Confeſſion, *Jan.* 25. 1637; and ſo this matter ſlept.

Mr. *Croxton* recommended by the Arch-Biſhop for preferment.

DR. *Laud* Arch-Biſhop of *Canterbury* thought fit to recommend to Sir *Thomas Wentworth*, the Lord Deputy of *Ireland*, one Mr. *Croxton* a young Miniſter, requeſting his Lordſhip to take notice of him, not doubting but as it ſhall fall in his Lordſhips way, that he will beſtow ſome preferment on him for his maintenance, for which the Lord Arch-Biſhop would thank his Lordſhip.

Upon which recommendation the Lord Deputy promoted Mr. *Croxton* to Eccleſiaſtical preferments there, as it appears by his Letters of thanks to the Arch-Biſhop, in ſome of which he gives him the Title of Holineſs, and moſt Holy Father; and in his Letter dated and directed to him as Metrapolitan, *&c.* at *Goran*, *April.* 19. 1638. made the ſign of the † on the top of the firſt page of his Letter, a branch of which Letter was as followeth.

My Lord, *In humbleſt manner I beg your gratious acceptance of this juſt as neceſſary duty; whilſt I make an unqueſtionable relation of that which ſo nearly concerns my ſelf. To provide the beſt I could for the more worthy receiving of the Holy Communion this laſt* Eaſter, *I have (I thank God for it) been able in ſome meaſure, to do that here which able men have ſufficiently ſpoken of elſewhere; I have ſacramentally heard the Confeſſions of the People committed to my charge in* Goran *(a certain through-fare Town in the County of* Kilkeny *in the*

the Chancel, they kneeling before the Altar) this is every where now accounted a moſt ſtrnge Act without all Warrant, &c.

Which Letter was thus Indorſed with the Arch-Biſhops own hand, received *July* 6. 1638. Mr. *Croxton* his receiving of Confeſſion——

Here followeth an Abſtract of Acts which paſſed in the beginning of the Parliament, which met *Novemb.* 3. 1640, In the 16*th* year of the Reign of King *Charles* the firſt.

1. *An Act for the preventing of Inconveniencies happening by the long Intermiſſion of Parliaments.*

Repealed and Altered, 16 *Car.*2.*cap.*1.

BE it Enacted, firſt, That in caſe there be not a Parliament ſummoned by Writ under the Great Seal of *England*, and aſſembled and held before the 10*th* day of *September*, which ſhall be in the third year next after the laſt day of the laſt meeting, and ſitting of this preſent Parliament; the beginning of the firſt year to be accounted, from the laſt meeting and ſitting. And ſo from time to time, and at all times hereafter, if there ſhall not be a Parliament before the tenth day of *September* in the third year, next after the laſt day of the laſt meeting, and ſitting before that time aſſembled and held; then in every ſuch caſe the Parliament ſhall be aſſembled and held in the uſual place of *Weſtminſter*, on the ſecond *Munday*, which ſhall be in the Month of *November* then next enſuing, *&c.* See the Act at large in the Statute 16 *Car.* 1.

2. *An Act for the Relief of His Majeſties Army, and the Northern parts of the Kingdom.* Exp.

3. *An Act for the Reforming of ſome things miſtaken in the late Act made this preſent Parliament, for the granting of four Subſidies.*

4. *An Act for the further Relief of His Majeſties Army in the Northern parts of the Kingdom.* Exp.

5. *An Act for the better Raiſing and Levying of Marriners, Sailers, and others for the preſent guarding of the Seas, and neceſſary defence of the Realm.* Exp.

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6. *An Act concerning the Limitation and Abreviation of* Mich. Term.

THat the Term of Saint *Michael* yearly for ever, from and after the Feaſt of Saint *Michael* next coming, being in or upon *tres ſeptimanas Sancti Michaelis*, except it be the Lords day, called *Sunday*, for the keeping of Eſſoyns, Proffers, Returns, and other Ceremonies. And that the full Term of Saint *Michael* for ever, from and after the firſt day of Saint *Michael*, next coming, take Commencement upon *quarto die* of the ſaid *Tres Septimanas Sancti Michaelis*, and not before

7. *An Act to prevent Inconveniencies by the untimely Adjourning of the Parliament,*

Ann. 17 *Car.*

THat this preſent Parliament now aſſembled ſhall not be diſſolved, unleſs it be by Act of Parliament to be paſſed for that purpoſe, nor ſhall be at any time or times, during the continuance thereof prorogued or adjourned, unleſs it be by Act of Parliament to be paſſed for that purpoſe, and the Houſe of Peers at any time or times, during this Parliament, ſhall not be adjourned unleſs it be by themſelves or their own order. And in like manner for the Houſe of Commons. And all and every thing done for the Adjournment, Prorogueing, or Diſſolving of this Preſent Parliament contrary to this Act, ſhall be utterly void.

8. *A Subſidie granted to the King of Tonnage, Poundage and other ſums of mony, payable upon Merchandiſe, Exported and Imported.*

THat it is and hath been the antient Right of the Subjects of this Realm, that no Subſidy, Cuſtom, Import, or other Charge whatſoever, ought or may be laid upon any Merchandiſe Exported or Imported, by any Subjects, Denizens, or Aliens, without conſent in Parliament.

Nevertheleſs the Commons taking into Conſideration the great Peril that might enſue for not guarding of the Seas, in caſe the ſaid ſums ſhould upon the ſuddain be forbidden to be paid. 1. Grant to the Kings Majeſty a Subſidy called Tunnage, *viz.* upon every Tun of Sweet-Wine, that is, or ſhall come into this Realm, or any of His Majeſties Dominions, by way of Merchandiſe. 2. And of every Tun of Sweet-Wines, as well *Malmeſey* or others. 3. And ſo likewiſe other ſums upon other Commodities.

In which Act it is declared, that if any Cuſtomer, Comptroler, Officer or other Perſons, that after the determination of this Grant, ſhall take or receive the ſaid Subſidy, ſum of Mony, or other Impoſition upon Merchandiſe whatſoever, Exported or Imported, except

cept by Grant in Parliament it ſhall be due, ſhall incur the forfeitures provided by the Statute of *16 R. 2.* of Premuniary. 16 *Caroli.*

9. *An Act for the ſpeedy Proviſion of Mony for disbanding the Army, and ſetling the Peace of the two* Kingdoms *of* England *and* Scotland *Exp.*

10. *An Act for the Regulating of the Privy Council, and for taking away the Court, commonly called the* Star-Chamber.

THat the Court commonly called the *Star-Chamber,* and all Juriſdiction, Power and Authority, belonging unto, or exerciſed in the ſaid Court, by any of the Judges, Officers or Miniſters thereof, from the firſt of *Auguſt* 1641, be abſolutely diſſolved and taken away and determined. And all and every Act and Acts of Parliament, and every Article, Clauſe and Sentence in them, and every of them, by which any Juriſdiction, Power or Authority is given unto the ſaid Court, or unto all, or any the Judges, Officers or Miniſters thereof, or for any proceedings to be had in the ſaid Court, or for any matter or thing therein to be drawn in queſtion, examined and determined, ſhall for ſo much as concerneth the ſaid Court, be from the firſt of *Auguſt* 1641 repealed and abſolutely revoked and made void.

2. That the like juriſdiction exerciſed in the Court before the Preſident and Council of *Wales*, before the Preſident and Council of the *Northern* Parts, in the Court called the Court of the Dutchy of *Lanchaſter,* held before the Chancellor and Council of the Court, in the Court of Exchequer of the County *Palatine* of *Cheſter,* before the Chamberlain and Council of the Court, ſhall from the firſt of *Auguſt* 1641 be alſo repealed and abſolutely revoked and made void.

3. That neither His Majeſty, nor His Privy Council have, or ought to have any Juriſdiction, Power or Authority by *Engliſh* Bill, Petition, Articles, Libel or other Arbitrary way to examine, or draw in queſtion, determine or diſpoſe of the Lands, Tenements, Hereditaments, Goods or Chattels, of any of the Subjects of this Kingdom.

4. That if any Perſon ſhall be committed, reſtrained of his Liberty, or ſuffer Impriſonment, by the Order or Decree of the Court of *Star-Chamber*, Courts holden before the Preſident of the Marches of *Wales*, Courts of Dutchy of *Lancaſter*, Court of Exchequer of the County Palatine of *Cheſter*, or by the Command or Warrant of the Kings Majeſty, His Heirs or Succeſſors in their own Perſons, or by Command or Warrant of the Council-Board, or by any of the Lords or otherwiſe of His Majeſties Privy Council; in every ſuch caſe the Perſon committed or reſtrained of his liberty, or ſuffering of Impriſonment, upon demand or motion of His Council, or other imployed by him, ſhall have a Writ of *Habeas Corpus*, to all and every Sheriff, Goaler, or other Perſon in whoſe Cuſtody the Perſon Committed or Reſtrained ſhall be at the return of the ſaid Writ, at the charge of the Party ſhall forthwith cauſe to be

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11. *A Repeal of the Branch of a Statute primo Elizabethæ concerning Commiſſioners, or Cauſes Eccleſiaſtical.*

THat whereas in the Statute of 1 *Eliz. Cap.* 1. there is a Clauſe to this effect, *viz.* That the Queens Majeſty, Her Heirs and Succeſſors ſhall have power and authority, by that Act by *Tres Patent'* under the Great Seal of *England*, to aſſign, name, and authorize ſuch perſon and perſons, being natural born Subjects to her Highneſs, as She, her Heirs or Succeſſors ſhould think meet, to exerciſe, uſe, and execute under her Highneſs, her Heirs, or Succeſſors, all manner of Juriſdiction, Privileges and Preheminences touching or concerning any Spiritual Juriſdiction, within her Realms of *England* and *Ireland*, or any her Highneſs Dominions or Countries. And to uſe, reform, redreſs, order, correct, and amend all Errors, Hereſies, Schiſms, Abuſes, Offences, Contempts and Enormities whatſoever, which by any manner, Spiritual or Eccleſiaſtical Power, Authority, or Juriſdiction can or may be lawfully reformed, ordered, redreſſed, corrected, reſtrained, or amended; and that ſuch perſons ſo to be aſſigned, named, authorized, and appointed by and after the ſaid *Tres Patent'*, to him or them made and delivered, ſhould have full power and authority by vertue of that Act, and of the ſaid *Tres Patent'*, to exerciſe, uſe, and execute all the premiſſes, according to the tenour and effect of the ſaid *Tres Patent'*.

1. Its Enacted by Parliament, That the ſaid Branch, Clauſe, Article, Sentence, and every manner and thing in that Branch ſhall from henceforth be repealed, annulled, revoked, and utterly made void for ever.

2. That no Archbiſhops, Biſhops, nor Vicar-General, Chancellor, or Official, nor Commiſſary of any Archbiſhop, Biſhop, or Vicar-General, or any other Spiritual or Eccleſiaſtical Judge, Officer, or Miniſter, exerciſing any Spiritual or Eccleſiaſtical powers by any Grant, Licence or Commiſſion from the King, his Heirs or Succeſſors, ſhall from and after the firſt of *Auguſt* 1641, award, impoſe, or inflict any Pain, Penalty, Fine, Amercement, Impriſonment, or other corporal puniſhment upon any of the Kings Subjects, for any contempt, miſdemeanour, crime, matter, or thing whatſoever belonging to Spiritual or Eccleſiaſtical Juriſdiction, or ſhall *ex officio*, or otherwiſe tender, give, or miniſter unto any Church-warden, Sideman or any other perſon whatſoever any corporal Oath to make any Preſentment of any crime or offence, or to confeſs or accuſe himſelf of any crime or offence, delinquency,

quency, or mildemeanour, whereby or by reaſon whereof he or ſhe may be liable to any pain, penalty or puniſhment whatſoever, upon pain to forfeit to every Party ſo grieved treble damages, and 100 *l.* to him or them that ſhall firſt demand or ſue for the ſame, the ſaid treble damages, and 100 *l.* to be demanded and recovered by Action of Debt, in any Court of Record, wherein no Priviledge is Eſſoyned, Protection or Wager of Law ſhall be allowed the Defendant: And every Perſon for any act or offence prohibited by this Statute ſhall be diſabled to continue in any Office or Imployment of Juſtice, or to exerciſe any Authority by force of any Commiſſion or Letters Patents of the King, His Heirs and Succeſſors.

That after the firſt of *Auguſt* (41.) no new Courts ſhall be erected, ordained or appointed within the Realm of *England*, and Dominion of *Wales*, that ſhall have the like Power, Juriſdiction, or Authority, as the High-Commiſſion Court hath or pretendeth to have; but all ſuch Letters Patents, Commiſſions, and Grants, made, or to be made, by the King, His Heirs or Succeſſors, and all Powers and Authorities granted, or mentioned to be given thereby, and all Acts, Sentences, and decrees made by vertue and colour thereof, ſhall be utterly void.

12. *A Subſidy granted to the King of Tonnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported.* Exp.

13. *An Act for the ſecuring of ſuch Monies as are or ſhall be due from the Inhabitants of the County of* York, *and the other adjoyning Counties; wherein His Majeſties Army is or hath been Billited for the Billit of the Soldiers of the ſaid Army.*

14. *An Act for the declaring unlawful, and void the late Proceedings touching Ship-Money, and for the vacuating all Records and Proceſs concerning the ſame.*

THat the Charge impoſed upon the Subject for providing and furniſhing of Ships, commonly called Ship-Money, and the extra-judicial Opinions of the Juſtices and Barons, and the Writs, and every of them, and the Agreement or Opinion of the greater part of the Juſtices and Barons, and the Judgment given againſt *John Hampden* Eſq; for the Payment of Ship-money, were, and are contrary to, and againſt the Laws and Statutes of the Realm, the Right of Property, the Liberty of the Subjects, former Reſolutions of Parliament, and the Petition of Right made in the third year of His Majeſty that now is.

That all and every the Particulars prayed and deſired in the Petition of Right, ſhall from henceforth be put in execution, and ſhall be firmly and ſtrictly holden and obſerved, as in the ſame Petition they

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they are prayed and expreſſed; and that all and every the Records and Remembrances of all and every the ſaid Judgments againſt the ſaid *John Hampden*, and all and every the Proceedings whatſoever upon or by colour of any of the ſaid Writs, called *Ship-Writs*, and all and every the Defendants on every of them, ſhall be adjudged to all intents, conſtructions and purpoſes, to be utterly void, and that all and every the ſaid Judgment, Inrollment, Entries, Proceedings, and Dependants of what kind ſoever, ſhall be vacated and cancelled, in ſuch manner and form as Records uſe to be that are vacated.

15. *An Act againſt divers Incroachments and Oppreſſions in the* Stannery *Courts.*

16. *An Act for the certainty of Forreſts, and of the Meets, Meers, Limits, and Bounds of the Forreſts.*

THat from henceforth the Meets, Meers, Limits and Bounds of all and every the Forreſts ſhall be adjudged and taken to extend no further reſpectively than the Meets, Meers, Limits and Bounds in the ſeveral Counties reſpectively, wherein the ſaid Forreſts were commonly known, reputed uſed, or taken in the 20*th* year of the Reign of the late King *James*, and not beyond, any Perambulation, Judgments, Preſentments, Surveys or Decrees, or other matter or thing, to the contrary notwithſtanding. And all and every Preſentment of any Perſon or Perſons at any Juſtice-Seat, Swain-mote, or Court of Attachment, for, or by reaſon or colour of any Acts whatſoever done or committed in any Place without or beyond the ſaid Meets, Meers, *&c.* See the Act more at large.

17. *An Act for the Pacification between* England *and* Scotland *Exp.*

18. *An Act for ſecuring by Publick Faith, the remainder of the Frendly Aſſiſtance and Relief promiſed to our Brethren of* Scotland *Exp.* viz.

THat the Sum of 220000 *l.* ſhall be paid into the Chamber of the City of *London* for the uſe of our Brethren of *Scotland*, the Sum of 110000 *l.* on or before the 24*th* of *June* 1642. the other 110000 *l.* on or before the 24*th* of *June* 1643.

That the Perſons particularly named in the Act, are and ſhall be Perſons to whom our Brethren of *Scotland* may from time to time addreſs themſelves for the receiving of the ſaid 220000 *l.* at the days and place appointed; and the ſaid Perſons are to cauſe the ſaid Sum of 220000 to be iſſued out of the Chamber of *London*

don to ſuch Perſons as by Act of Parliament of the Kingdom of *Scotland* ſhall be authorized to receive, and to give Acquittances and Diſcharges for the ſame. *Caroli* 16.

19. *An Act for the better ordering and regulating of the office of Clark of the Market, allowed and confirmed by this Statute, and for the Reformation of falſe Weights and Meaſures; which ſee at large.*

20. *An Act for the prevention of vexatious Proceedings touching the Order of Knighthood.*

THat no Perſon or Perſons of what Condition, Quality, Eſtate or Degree ſoever, ſhall at any time be deſtrained or compelled by any Writ or Proceſs of the Court of *Chancery*, or Court of *Exchequer*, or otherwiſe by any means whatſoever, to receive or take upon him or them reſpectively the Order or Dignity of Knighthood, nor ſhall ſuffer or undergo any Fine, trouble or moleſtation whatſoever, by reaſon or colour of his or their having not received or taken upon him or them the ſaid Order or Dignity: And all and every Writ and Proceſs whatſoever, and all Proceedings had and made contrary to the intent of this Statute, ſhall be utterly void.

21. *An Act for the free bringing in of Gun-Powder and Salt-Peter from Forreign Parts, and for the free making of Gun-Powder in this Realm.*

THat all and ſingular Perſons, as well Strangers as Natural born Subjects, may import into this Kingdom any quantities of Gun-powder whatſoever, paying ſuch Cuſtoms and Duties for the ſame as ſhall be ſet down by Authority of Parliament.

That it be lawful for His Majeſties Subjects of the Realm of *England* to make and ſell any quantities of Gun-powder, and bring into the Kingdom any quantity of Salt-Peter, Brimſtone, or other materials for the making thereof.

That no Perſon or Perſons after the firſt of *Auguſt* 1641. ſhall put in execution any Letters Patents, Proclamation, Edict, Act, Order, Warrant, Reſtraint, or Inhibition, whereby the Importation of Gun-powder, Salt-Peter, Brimſtone, or other Materials for the making thereof from Forreign Parts, or the making of Gun-powder within the Realm ſhall be by any way retained.

22. *A Subſidy granted to the King of Tonnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported.* Exp.

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23. *An Act for the raiſing of Mariners and Sailers for the Guarding of the Seas, and His Majeſties Dominions.* Exp.

24. *An Act for the diſenabling all Perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority.* Rep. St. 13. Car. 1. Cap. 2. *which Act was to this Effect.*

THat no Arch-Biſhop or Biſhop, or other Perſon that is or ſhall be in Holy Orders at any time after the 14*th* of *February* 1641. ſhall have any Seat or Place, Suffrage or Voice, or execute any Power or Authority in the Parliaments of this Realm, nor ſhall be of the Privy-Council of His Majeſty, or Juſtice of the Peace of Oyer and Terminor or Goale-delivery, or execute any Temporal Authority by vertue of any Commiſſion, but ſhall be wholly diſabled to execute any of the ſaid Offices, Places, Powers or Authorities.

That all Acts from and after the ſaid 15 *Feb.* done or executed by any Arch-Biſhop, Biſhop, or other Perſon in Holy Orders, and every Suffrage and Voice given by them, or any other thing done by them contrary to the purport of this Act, ſhall be void to all intents and purpoſes.

There were ſeveral other Acts which paſſed about that time.

F I N I S.

APPENDIX.

Star-Chamber Reports.

For the Years

1625, 1626, 1627, 1628.

Paſc. 1 Car. I.

THe Defendant *Nelſon* having conceived malice againſt the Plaintiff, being an Aged Miniſter, and of very ſmall Eſtate, vowed to be revenged of him, and to beggar him; and to that end the Defendants riotouſly aſſembled themſelves upon the Plaintiffs Glebe, and digged ſeveral Trenches therein, and the Plaintiffs Wife coming thither, and perſwading them to deſiſt; *Nelſon* aſſaulted her, beat her, and dragged her on the ground; And the Defendant *Nelſon*, being an Attorny, ſued out a Writ of Priviledge againſt the Plaintiff for a pretended old Debt of forty ſhillings, and procured Warrant thereupon to be directed to the Defendant *Poppleton*, who by colour thereof, by the procurement of the other Defendants, arreſted the Plaintiff in his Pariſh Church upon *Good Friday*, when he and his Pariſhioners attended to receive and celebrate the Holy Communion, and refuſed to accept any Bail for him; and the Plaintiff thereupon withdrawing himſelf into the Veſtry, the Defendants round beſet the Church, and vowed to pine and ſtarve the Plaintiff there unleſs he would preſently render himſelf to them, and to that end they continued in the Church in diſorderly manner day and night till *Eaſter* day in the Morning, and diſordered themſelves with exceſſive drinking, and did violently aſſault and beat the Plaintiffs Wife and Children in the Church-yard as they were coming with food to relieve him, and on *Eaſter* day, before the Plaintiff had fully ended the Celebration of the Communion, the Defendant *Poppleton* again Arreſted him, and refuſed Bail, and he and others of the Defendants forcibly carried him out of the Church in his Surplice to an Alehouſe, and the next day to the Goal, and there charged him with an Outlawry for a ſuppoſed Debt for which he had an Acquittance, and there kept him eight days without Bail, though ſufficient Bail were offered. And for theſe offences they were all committed to the Fleet: And *Nelſon*, for beating the Plaintiff on the Glebe-Lands, fined twenty pounds; *Poppleton* fined two hundred pounds, and two others twenty pounds apiece; and *Poppleton* to be ſet in the Pillory, with a Paper declaring his offence, and there, as alſo in the Plaintiffs Pariſh Church to ask him

Balfield *Clr. verſus* Poppleton *& al.*

Arreſts in the Church at the Celebration of the Holy Communion another inhumane uſage of a Miniſter.

An. 1625.

forgiveneſs, and in like manner to ask God, his Majeſty and the Plaintiff forgiveneſs in the Cathedral Church at *York*, kneeling upon his Knees in ſome eminent place of the Church, and the Decree to be read at both Churches after Service and Sermon ended, and the Defendants convicted to pay the Plaintiff one hundred pounds Damages.

100 *l.* damage.

Beverly *verſus* Power & *al.* Spitting in the Plaintiffs Face and kicking him. Plaintiff and Defendant both fined. Damage to the Defendants for ſcandal.

The Defendant *Power* meeting the Plaintiff in the High Way did ſpit in his face, and at another time kickt the Plaintiff with his Spurs as he followed him up Sir *James Leigh* his Stairs in *Lincolns* Inn, and for theſe offences was committed to the Fleet, and fined 200 *l.* And for that the Plaintiff had charged the Defendants with other foul Crimes, whereof they made no manner of Proof, but deſerted it, at the Hearing, the Court held it a meer Libel and Scandal, and Fined the Plaintiff 500 *l.* and to pay 500 Marks damages to two of the Defendants, and 100 *l.* Damages to three others who were charged to be Agents and Actors in the Conſpiracy with the other Defendants.

Remington & *al. verſus* Allen & *al.* Conſpiracy to Indict of Barratry. Raiſing a common Purſe to Proſecute the ſame. Labouring of Jurors.

The Defendants out of Malice to the Plaintiffs, and by Conſpiracy met together, and procured an Indictment of Barratry againſt the Plaintiffs, and deviſed and put in writing certain Articles againſt them, and agreed who ſhould depoſe and ſwear to the ſame, and made a Common Purſe to maintain the ſaid Indictment and Articles, and other neceſſary occaſions at the Aſſizes, and at the next Quarter Seſſions they did prefer thoſe Indictments and Articles to the Grand Jury, and deſired their favours therein, and ſaid they would be thankful unto them for it, and then the Plaintiffs upon the Defendants evidence were found Guilty by the Jury, but Traverſed the ſame, and were thereupon atquitted, although the Defendants did labour ſome of that Jury alſo for their favours, and promiſed them to be thankful for it, and for this they were all committed to the Fleet, *Chambers* Fined 200 *l.* and the others 300. Marks apiece.

Michael. 1 Car.

Alexander *verſus* Yates. Falſifying a Copy of a Record, and offering to miſlead the Court in Judgment by it.

THe Plaintiff againſt the Hearing of the Cauſe, finding that he had but one Poſitive Witneſs againſt the Defendant, and that the Teſtimony of his other Witneſs was but upon Hearſay, did to bring about his ends, and to miſlead the Court in judgment, alter his Coppies by ſtriking out the words (*that* and *did*,) and by that means made it a Poſitive Depoſition, and cauſed it to be ſo read in Court: And for this offence he was committed, Fined 500 *l.* to acknowledge his offence in this Court, diſabled to practiſe as a Counſellour at Law, referred to the Governours of *Lincolns* Inn, to expel him the Houſe, and to pay Mr. *Nevil* his Attourneys Clerk, on whom he endeavoured to lay the offence, 100 *l.* damages.

100 *l.* damage.

Houghton *verſus* Hamſhire & *al.*

The Plaintiff having with much labour gotten one *Thomſon* arreſted at his ſuit upon a Bond of 400 *l.* the Bailiffs brought him to the Defendant *Jordens* houſe, being a Common Inn; and *Jorden*, being then alſo Conſtable, promiſed their Priſoner ſhould be ſafe; yet about Eleven and twelve of the Clock in the Night he and the other Defendants, one of

of them being a Miniſter, came Armed to the Chamber where the Bailiffs and Priſoner were, and by threats forced the Bailiffs to drink healths exceſſively, and at length conveyed the ſaid *Thompſon* out of a Window or Hole, which they brake for that purpoſe, and down a Ladder, by them there placed for his eſcape, ſo as the Plaintiff could not after take him again; and for this the Defendants were all committed to the *Fleet*, Fined 200 *l.* a piece; *Jorden* the Inn-Keeper and Conſtable diſabled to bear any Office of Conſtable, or the like, or to keep an Inn or Ale-houſe ever after, and bound to his good Behaviour; *Long* the Miniſter left for further Puniſhment, either by degrading him, or otherwiſe to the Ordinary of the Dioceſs of *Oxon*, wherein he lived, and all the Defendants to pay the Plaintiff 40 *l.* for his Damages.

Hill. 1 Car.

Reſcue or procurement of an eſcape.

Degradation of a Miniſter left to the Ordinary of a Dioceſs.

40 *l.* damage.

Hillar. 1 Car.

THe Defendant Sir *John York* often gave direction to the Defendants *Fenton* and *John York* to hunt and kill Deer in *Appletreewick* fields, and accordingly they with others in 19 *Jacobi* with a Gun ſhot one of the Plaintiffs Stags feeding in one of his Grounds, and purſued him with a Bloud-hound; and being interrupted by one of the Keepers, *Fenton* bent the Cock of his Piece, and leveled it at the Plaintiffs Servant; and *John York* ſaid they would hunt and kill the Deer at their pleaſure: And *Fenton* at another time in Sir *John Yorks* preſence, and by his direction ſhot with his Gun at ten of the Plaintiffs Stags in *Appletreewick* fields, and Sir *John* in a haughty manner ſent the Plaintiff word he would hunt and kill Deer there if he could, and for this Hunting, and uſing braving and provoking ſpeeches, they were committed to the Fleet, Sir *John* Fined 200 *l.* *Fenton* 100 *l.* and *John York* 50 *l.* but the title touching the bounds of the Plaintiffs Chace of *Skipton* and *Barden*, and touching the Rights and Bounds of the Defendants Mannor of *Appletreewick* the Court would not meddle with, but left it to the Law without prejudice on either ſide.

Comes Cumbrie *aerſus* York Knight, *& al.*

Killing the Plaintiffs Deer in *Appletreewick* Fields.

The Defendant *John Jones* Eſquire, taking notice of a ſuit between *John Thayer* the Younger, one of the now Plaintiffs againſt *John Thayer* the Elder, his Brother, upon a Bond, forfeited for not performing an Award, often and earneſtly ſolicited one *Wood* an Attorney to follow the ſaid Cauſe with Effect, and promiſed, and undertook to pay the ſaid *Wood* all his Diſburſements thereabouts, and gave *Wood* directions to ſue forth a Latitate againſt him, and promiſed to procure Witneſſes againſt the Trial, and to be thankful to them, and to gratifie them for the ſame; and the cauſe being brought to iſſue, Judgment was Indirectly obtained, and an Execution ſued out by the ſaid *John Jones* his direction to levy a Debt of 40 *l.* and 9 *l.* for Charges; and the ſaid *Thayer* the Elder hearing of it, cauſed a Writ of Errour and Superſedeas to be ſued out, and a Superſedeas to be delivered to the Sheriffs Deputy, who gave notice thereof to the Sheriff; yet the Defendant *John Jones* having alſo Notice of the ſaid Superſedeas, and of the Sheriffs knowledge of it very earneſtly by threats and otherwiſe laboured and perſwaded the Sheriff to execute the ſaid Writ, and to Levy the ſaid Debt and Coſts, and offered to be bound to ſave the Sheriffs harmleſs;

Hambury *& al. verſus* Jones *& al.*

Maintenance of an Action in the name of one of the Plaintiffs.

An. 1625.

Extortion by colour of being Clerk to a Regiſter of *Glouceſter.*

And the Defendant *Gilbert Jones* likewiſe laboured the Sheriff to execute the ſaid Writ, although he knew of the Superſedeas, and the Defendant *John Addams* being Clerk or Deputy to the Defendant *John Jones*, Regiſter of *Glouceſter*, did by colour of his Place extort for the Probate of a Will 6 *s.* over and above the due Fees, and for this Maintenance and Endeavour to pervert Juſtice, *John* and *Gilbert Jones* were both committed to the *Fleet*; *John* Fined 200 Marks, and *Gilbert* 20 *l.* and *Addams* for his Extortion was Committed and Fined 40 *l.*

Paſc. 2 Car.

Booke *&* *al.* *verſus* Watſon *&* *al.*

THe Defendant *Watſon* having gotten into his Cuſtody a Deed of certain Lands, made by *John Shaw*, the Grandfather to *John Shaw* the Son, in the *Habendum* whereof was contained an Eſtate Tail limited, *John* the Son did Forge and procure the other Defendant *Richard Barrow* to Forge and Write another Deed of the ſame date; and agreeing in all points with the true Deed, ſaving that in the *Habendum* of the falſe Deed, he made it to contain an Eſtate in Fee-ſimple, limited to the ſaid *John Shaw* the Son and his Heirs, and thereto ſubſcribed the name of *John Shaw* the Grandfather, with his hand and Seal thereunto, and Endorced, or procured to be Endorced on the back-ſide of the ſaid forged Deed, the true names of the Witneſſes, as teſtifying the ſealing and delivery thereof, and Execution of livery thereupon; And at a Trial in *September* 17. *Jacobi* publiſhed and juſtified the ſaid falſe Deed to be a true Deed, thereby to make good his Title to the ſaid Lands, and the now Plaintiffs thereupon Exhibiting their Bill into Chancery againſt *Watſon*, they examined *Barrow* as a Witneſs, and there he truly confeſt that he writ the ſaid Forged Deed at *Watſons* earneſt ſolicitation, out of a Copy which *Watſon* delivered him, written with his the ſaid *Watſons* own hand; yet afterwards the ſaid *Barrow*, by the ſubornation of the ſaid *Watſon*, falſely depoſed before a Maſter of the Chancery, that the now Plaintiffs procured him to confeſs upon his ſaid Examination as a Witneſs that he writ the ſaid Forged Deed out of a Copy delivered to him by the Defendant *Watſon*, and that they promiſed him 40 *l.* for the ſame, and that thereby, and by the threats of one of the Plaintiffs, then Commiſſioners, he was drawn to confeſs that he writ the ſaid Deed, when as in truth he never made the ſaid Deed; and for this Forgery and ſubornation of Perjury *Watſon* was Committed to the *Fleet*, bound to his good behaviour, Fined 200 *l.* for the Forgery, and 200 *l.* more for the ſubornation of Perjury, and to ſtand in the Pillory at *Weſtminſter*, and in the Country, with a Paper on his head, declaring the nature of his offence, and his ears nailed to the Pillory; and *Barrow* in reſpect of his Confeſſion and Penitency at the Bar, and for that he was drawn thereto by *Watſon*, for fear of him, to whom he ſtood indebted, and was not able to ſatisfie him, was only Committed, and Fined 100 *l.* for the Forgery, and to wear Papers on his head declaring his offence of wilful Perjury, and both of them to pay the Plaintiff 100 *l.* Damages.

Forgery of a Deed.

Trin. 2 Car.

Perjury in an Affidavid in Chancery.

100 *l.* Damage.

Trin.

Trin. 2 Car.

Woodrow *verſus* Criſp & *al.*

THe Defendant *Dorothy Criſpe* took upon her to cure the Plaintiffs Son of the Falling-ſickneſs, and had 20 *l.* given her in hand, and was to have 20 *l.* more when he was perfectly cured; and the ſaid *Dorothy*, under pretence of the more conveniency to work the Cure, got the Plaintiff to place her Son at a Houſe near to the ſaid Defendants Houſe; and having a ſecret intention in the time of his weakneſs to procure him to marry her Daughter *Eleanor Criſpe*, who then was a Servant, and attended a Lady; ſhe firſt endeavoured to perſuade the Plaintiffs Son that Marriage would be a great means to procure his Recovery, and told him that ſhe knew a Gentleman that was cured by it: And the better to accompliſh her deſign, got him home to her own Houſe, and endeavoured to draw and allure the Servant that attended him to further her deſign; but he, not yielding to it, gave notice to his Mother that he was not bettered by the ſaid *Dorothies* cure, but grew weaker both in body and mind through the violence and continuance of his Fits; the Plaintiff took him home to her houſe, and kept him there from *May* till *October*. And then the ſaid *Dorothy* continuing her Reſolution to make a prey of the ſaid Plaintiffs Son, who had a great Eſtate left him by his Father, and a poſſibility of a great increaſe thereto by the Plaintiff his Mother, perſwaded the Plaintiff to let her have her Son home again, pretending that by taking the benefit of the ſeaſon of the year, being then the Fall of the Leaf, and of the Spring following, (ſhe confidently aſſured the Plaintiff) ſhe would perfectly recover him thereof; and having by this perſwaſion gotten him again into her Houſe, ſhe then upon a falſe ſuggeſtion got his Servant, who formerly attended him, to be turned away, and procured the Defendant *Lancellot Ainſworth*, a fit Inſtrument for her purpoſe, to be appointed to attend him; and then acquainted all the Defendants with her purpoſe of marrying the Plaintiffs ſaid Son to the Defendant *Eleanor*; and for that purpoſe ſent for her home from Service, and cauſed the Defendant *Anthony Criſpe* to provide a Wedding Ring, and to get a Licenſe in readineſs to Authorize their Marriage, for the obtaining whereof, the ſaid *Anthony Criſpe*, with others, entred into a Bond of 100 *l.* with condition that there was no let or impediment but they might lawfully marry; and that they ſhould not proceed to marry without conſent of Parents or Governours; and thereupon obtained a Licenſe, directed to the Miniſter of the Pariſh, who refuſed to meddle therewith, and perſwaded the Defendant *Dorothy* to deſiſt from her practice; yet ſhe by practice with the other Defendants gave him ſundry Potions, and endeavoured by many perſwaſions, and taking advantage of his inſenſibility, by giving him over-much Wine, to take a liking to the Defendant *Eleanor*, telling him his Mother was content with it; and in the end, when by reaſon of the weakneſs of his body and underſtanding they knew not well how to effect their deſire, the Defendants agreed together immediately after his next Fit to ſolemnize the Marriage, which they effected accordingly, the Plaintiffs ſaid Son being at that time without common ſenſe or underſtanding, and ſcarce able to utter the words of Matrimony, although the Defendant *Hugh Jones*, that married them, helped and directed him the beſt he could; and then the ſaid Defendant *Eleanor*, with the advice and direction of the other Defendants,

Practice to marry the Plaintiffs Son in his great weakneſs and ſickneſs, whereof he died, to the end to make a prey of his Eſtate.

An. 1625.

Defendants, ſued for Alimony out of the ſaid Plaintiffs Sons Eſtate: And for this foul practice the Defendants were all committed to the *Fleet*, *Dorothy Criſpe* Fined 500 *l.* *Eleanor* 500 *l.* *Anthony Criſpe* 300 *l.* *Lancellot Ainſworth* 250 *l.* and *Hugh Jones* Clerk 200 *l.* And to diſcourage others from the like attempts, the Court further decreed, that the ſaid *Eleanor Criſpe*, *alias Woodrow*, and all claiming from or by her, ſhould be barred and excluded from claiming any manner of benefit or advantage by Dower, or by the Cuſtom of the City of *London*, or otherwiſe, out of the real or perſonal Eſtate of the Plaintiffs ſaid Son ſince deceaſed.

All benefit of the Marriage taken away by this Decree from the Defendant.

Broadgate *verſus* Glover *& al.*

The Bill was exhibited for and concerning the forging, framing, and publiſhing a Deed of Feoffment ſuppoſed to be made by *William Glover* deceaſed, Grandfather to the Defendant *William Glover*, of divers Meſſuages, Lands, and Tenements in *Hellidon* in the County of *Northampton*, to defeat the Plaintiff and other Purchaſers of the Lands by them purchaſed, by *William Glover*, Father of the Defendant *William Glover*; And upon the hearing, albeit the Court could not ſentence any of the Defendants for the Forgery, or for publiſhing the Deed, knowing it to be forged, yet upon comparing the Deed with other true Deeds, and upon conſideration of ſundry forcible Circumſtances and violent Preſumptions, the Court was ſatisfied; adjudged, and decreed, that the Deed complained of was a forged Deed, and that it ſhould be damned and made void, never to be given in evidence after; and withal ſetled the Plaintiffs and their Heirs in the quiet poſſeſſion of the Lands in queſtion, never to be again moleſted for the ſame, although three Verdicts and a Judgment by *Nihil dicit* had formerly paſt in countenance of the ſaid forged Deed, and affirmation of the Defendants Title, and all thoſe Verdicts and Judgments were ordered to be of no uſe, benefit, or advantage to the Defendants, or any other claiming from, by, or under them.

Deeds damned though no body ſentenced for the Forgery, and poſſeſſion given to the Defendants, although three Verdicts had paſt againſt their Title.

Hill. 2 Car.

Frize *verſus* Bennet *& al.*

THe Defendant bearing malice to the Plaintiff did at ſeveral times and places, and to ſeveral perſons in Alehouſes, and elſewhere, publiſh, divulge, and ſing ſeveral Libels to the ſcandal of the Plaintiff, and alleged the Plaintiff was intended thereby; one of which Libels was intituled, *A proper Song of a great Blockhead Woollen-Draper, dwelling in* Holborn, *who gave a Tailors Wife a Yard of old Frize for a Jerkin*, &c. and contained obſcene and ſcurrilous matter, not fit to be recited; and for this they were committed to the *Fleet*, *Bennet* fined 500 Marks, *Aylet* 200 *l.* and *Longdale* 100 Marks: But the Court would give the Plaintiff no damages, becauſe he took delight in repetition of the Libel, and becauſe he was of ſuſpected life and converſation.

Publiſhing of libellous Songs.

Paſc.

Paſch. 3 Car.

Hill. Paſc. 3 Car.

Attor. Regis Rel. Tho. Whitlathe *verſus* Moody *Armig. & uxor.*

THe Defend. *Moody* conceiving malice againſt the Relator for contracting *Mary Rud*, his Wives Daughter, unto one *Charles Adyn*, Nephew to the ſaid *Moody*; and the Marriage coming after in queſtion in the Court of Arches, the Defendant *Moody* alſo grew offended with Sir *William Byrd* Knight, then Judge of the ſaid Court, for granting a Sequeſtration of the body of the ſaid *Mary*, and a Licence to Marry her, and thereupon the ſaid *Moody* framed two libellous Letters, one in the name of his Wife, whereto ſhe ſet her hand after it was tranſcribed by a ſervant, and directed and ſent it to Mrs. *Adyn*, and another in his own name directed and ſent to the ſaid Mrs. *Adyn*, in which firſt Letter the Defendant did not only ſcandal the Court of Arches, terming it to be the Lemman Court, where none but Lemmans and Knaves ſeek their prey: And the Law thereof the cruel Law, with other ſcandalous and malitious terms and phraſes. But did alſo therein endeavour to lay an imputation and ſcandal upon the ſaid Sir *William Bird*, then Judg of the ſaid Court, and all others the Doctors and Proctors, and Officers of the Court, terming them Wolves that live by the rapine of innocent and harmleſs Virgins, and the other Letter contained the like phraſes: And the Defendant, *Moody*, afterwards read and publiſhed both the ſaid libellous Letters unto one *Elizabeth Farnaby*; and for this *Moody* and his wife were both Committed to the *Fleet*, he Fined 200 *l.* and ſhe 100 *l.* and Mr. *Moody* to come into this Court, and in humble and ſubmiſſive manner under his hand acknowledg his great offence in falſly ſcandalizing both the ſaid Court and Judg.

Scandal of the Court of Arches and the Judg and Officers thereof.

By Libellous Letters.

The Defendant, *Meeke*, taking upon him to Solicite Cauſes, and underſtanding of a Judgment entred of Record againſt the Plaintiff and one *Vaughan*, in the name of one *Baker*, about ſixteen years then paſt, upon a Bond of 200 *l.* wherein the Plaintiff bound as Surety for *Vaughan*, procured the Bond and Judgment to be Aſſigned over to himſelf, but to the uſe of one *Walter Meek*, his Uncle, and thereupon cauſed a Writ of *Scire facias* to be Sued out upon the ſaid Judgment, againſt the Plaintiff, and an Execution againſt his body, both directed to the Sheriffs of *London*, and in *Eaſter*-Term, 22. *Jac.* procured the Plaintiff to be Arreſted on a feigned Action of 300 *l.* in *London*, at the Suit of one *Lewes*, but without his privity, warrant, or conſent, and after he had been in Cuſtody about an hour and half, the Defendant *Meek* then cauſed him to be Arreſted upon the Execution, whereby he was compelled to pay 203 *l.* although as the Court conceived the Debt was long before ſatisfied. And for this the Defendant, *William Meeke*, was Committed and Fined 500 Marks. And for that it appeared that the Defendant being convented before the Plaintiff, for a miſdemeanour, kept his Hat on his Head, and being drunk anſwered him very contemptuouſly, and after in ſeveral Ale-houſes termed him *ſhitten Juſtice*, and *Juſtice Break-peace*, the Court Ordered him to be bound to the good behaviour, and withal Ordered that the Ale-houſe-keeper in whoſe houſe he was made drunk, being the Witneſs in this Cauſe, ſhould be put down and diſabled for three years to keep an Ale-houſe.

Bridges, Eſq; *ver.* Meek.

Maintenance and Champerty.

The

An. 1625.

Haſtings Ar-, mig. *ver.* Brune Kt. *&* *al.* Killing His Majeſties Deer in *New Forreſt.*

The Defendant did Hunt and Courſe with ſix or ſeven Grey Hounds, which they and the Defendant *Brune* brought thither for that purpoſe, His Majeſties Deer in *New Foreſt*, and a Hind and a Brocket Suſter, being then both out of Seaſon, and carried them away, and Sir *John Brune*, ſtood on a Hill near the Foreſt and diſpoſed of the Deer, and for this they were all Committed to the *Fleet*, *Brune* Fined 100 *l.* and four others 50 *l.* apiece.

Attor. Regis ore tenus verſus Tho. Perkins.

Scandal of His Majeſty, His Privy-Council and Judges, by libellous and ſeditious Letters.

The Defendant at ſuch time as His Majeſties Commiſſioners, for Collection of the Loan-mony, were to meet and ſit at *Nottingham*, ſcattered in the High-way, as the Freeholders were to come to the Town, divers Libellous, Scandalous, and Seditious Letters, both againſt the King and State, directed to Freeholders and true hearted *Engliſh* men, with intent to diſſuade all the Freeholders of the ſaid County of *Nottingham*, from yielding to ſubſcribe to the ſaid Loans, or to furniſh the King with any mony, but ſuch as ſhould be required in a Parliamentary courſe, and therein diſloyally ſlandered His Majeſty and Privy Council with injuſtice, oppreſſion and cruelty: affirmeth that His Majeſty, by this courſe of raiſing mony, did lay a Tax and Burthen on the Country heavier than they were able to bear, that this courſe was deviſed of purpoſe to ſubvert the power of Parliaments, that ſo the poor Country might be oppreſt without any means of redreſs, and great Offenders, the Blood-ſuckers of the Common-Wealth, eſcape without queſtioning and puniſhment, and that this courſe at once deſtroys all the Freedom of our Nation, and that if this courſe of raiſing mony, without Law, be yielded unto, they ſhould never ſee more Parliaments, but they and their Poſterity ſhould be ſlaves for ever: and thereby alſo laid a foul aſperſion, and falſe imputation upon all the Judges; falſly affirming that they withſtood this courſe as againſt Law, and ſeditiouſly laid an aſperſion, and endeavoured to bring envy and reproach upon all ſuch as either had or ſhould yield and condeſcend to theſe Loans, falſly and malitiouſly charging them that they did betray their own Liberties,, either for baſe fear, or to curry favour with Great Ones, and laſtly did moſt ſeditiouſly adviſe the Freeholders to Unite themſelves together, and if they meant to preſerve their Rights and Eſtates to Poſterity, they ſhould reſolutely with a common conſent refuſe to give mony any way but by Parliament, and that by yielding they would become the inſtruments of ther own bondage without recovery; and the better to diſſuade them, affirmed that divers Counties had ſo done, and that all the Commiſſioners in *Lincolnſhire*, but two or three, had refuſed and denyed to give any mony but by way of Parliament; and for this the Defendant was Committed to the *Fleet* during the Kings pleaſure, and Fined 3000 *l.*

Seditious oppoſing His Majeſties ſervices.

Trinit. 3 Car.

Titoe, *&* *al.* *verſus* Newdike *&* *al.*

THE Defendant *Newdike*, the Elder, having for ſeveral great ſums of mony to him paid by the Plaintiff, made ſeveral Conveyances unto them of his Lands, and entred into ſeveral Statutes, with intent to make void all the ſaid former Aſſurances, and to defeat the Plaintiff, *Titoe*, of his Purchaſe, and of his juſt and due Debt, and the other Plaintiff of a Leaſe

Mic. 3 Car.

Setting on foot a Fraudulent Antedated Deed to deceive Purchasers.

Leaſe which ſhe Purchaſed for 1200 *l.* cauſed a Deed of Feoffment, to be made with an Antedate and Indorſement of Livery and Seizin to be Antedated thereupon, and the Deed to be then Enrolled, in the Court of Exchequer, the better to give countenance to it, whereby he ſettled the ſaid Lands, Sold and Leaſed to the Plaintiff as aforeſaid, upon his Son and his Heirs, and publiſhed and ſet on foot this Deed (although he had formerly undertaken to the Plaintiff that the ſaid Lands were free from all incumbrances,) and for this deceit he was Committed to the *Fleet*, Fined 500 *l.* and to pay 100 *l.* Damages to *Titoe*, and ordered the ſaid fraudulent deed to be damned, made void, and Cancelled, and no uſe or benefit ever to be made of the enrolment of it.

And the Court doth withal declare, that if any man do make Conveyances of his Lands, or acknowledge Statutes, or Recognizances, or ſuffer Judgments, whether the ſame be upon juſt and good conſiderations, or without, and concealing the ſame, do afterwards, for valuable conſiderations, convey the ſame Lands to other perſons, as though the ſame were free from any manner of incumbrance; ſuch double and unjuſt dealing is a notorious fraud and deceit againſt the Law of the Realm, and fit for the Cenſure of this Court; and that albeit ſuch former Conveyances and Incumbrances, if they be upon good conſideration, and *bona fide*, cannot be avoided; yet this Court will upon complaint puniſh the Offenders and their Confederates by Impriſonment, Fine, and Damages to the Party grieved, to the full of his loſs and hinderances, and otherwiſe, as the cauſe ſhall require.

The Deed damned.

100. *l.* damage.

Board *Knight verſus* Wood.

The Defendant, *Marcii* 4. 16 *Jacobi*, accompanied with three or four other riotous Perſons, all armed, came unto a houſe, then in the quiet poſſeſſion of the Plaintiff, or his under-Tenant, and there riotouſly broke open the Doors, entred the houſe, and forcibly aſſaulted, expelled, and thruſt out all ſuch perſons as were then in the ſaid Houſe, and riotouſly kept the poſſeſſion thereof; and for this he was committed to the *Fleet*, and fined 20 *l.*

Riot.

Mich. 3 Car.

Bluet *verſus* Cave *armig. & al. & è contr.*

THe Plaintiff being lawfully poſſeſſed of Land in *Sommerby*, in the County of *Leiceſter*, which he purchaſed from one *Dauſy*, received one years profit thereof, and then ſowed the ground with Corn; and *Dauſy* dying before the Corn was ripe, the Defendant *Cave* pretended title both to the ſaid Corn and Ground; and in Harveſt time, when the Plaintiffs Servants were cutting the Corn, ſent the other Defendants ſeveral times to fetch the Corn away, and promiſed to bear them out, if it coſt him 500 *l.* and accordingly the ſaid other Defendants went to the ſaid ground, and in a riotous and forcible manner took away one Cart-load of the ſaid Corn in deſpite of the Plaintiffs Servants and Workmen, whom they then alſo violently aſſaulted, threw them down, and drew them about, and brake one of their Sithes, ſaying, They would have the Corn, and the Defendant *Cave* would bear them out: and for this they were committed to the *Fleet*; *Cave*, the procurer, fined 100 *l.* and fourteen others 20 *l.* apiece.

Riotous taking away of Corn.

Croſs Riots complained of.

Allen *verſus* Watſon *& al.*

The Defendant *William Watſon*, having cut down ſeveral Timber Trees, which of right belonged to the Plaintiff, coming to the place, and claiming the ſame as his goods; and requiring *Watſon* not to meddle with them, he and the other Defendants thereupon (being armed) riotouſly aſſaulted and ſet upon the Plaintiff, and the three *Watſons* gave him three cruel and dangerous wounds in his Thigh and Arm, and the Defendant *Cooper* ſtruck him divers blows on the head, by reaſon of which blows and wounds the Plaintiff was twice ſpeechleſs, and long languiſhed in danger of his life: And the Defendant *William Watſon*, to procure a reteiner of a Cauſe, wherein he was Plaintiff, which was diſtinguiſhed becauſe he attended not to proſecute at the Hearing, and to avoid a Fine of 20 *l.* impoſed on him for not proſecuting thereof, made a falſe Affidavit in this Court, that he could not attend that Hearing without danger of his life, for that in *September* before he had been wounded in the Head, and ſtabbed in the Thigh with a Pitchfork by the Plaintiff, and was not then perfectly recovered of the ſaid hurts; all which was utterly falſe and untrue, and for theſe Offences the Defendants were all committed to the *Fleet*, *William Watſon* fined 200 *l.* for the Riot, and 300 *l.* more for his Perjury; three others fined 200 Marks apiece, and three more 40 *l.* apiece for the ſaid Riot.

Riotous beating and wounding the Plaintiff.

Perjury in an Affidavit in this Court.

Vane *Eſquire verſus* Morgan *& al.*

The Defendant in the Market-place, and on a Market or Fair day, in the Town of *Caerleon* in the County of *Monmouth*, with others in their company, encompaſſed the Plaintiff, and then *Edward Morgan* in diſgraceful quarrelling and provoking manner juſtled the Plaintiff twice or thrice, and *Walter Jones* called him *Scurvy Rogue*, and ſaid he would pay him, and then ſtruck him on the face, chuckt him under the Chin, and drew his Sword, ſwearing he would be revenged on the Plaintiff, and uſed what means he could to have ſtruck him; and the Plaintiff, being then a Juſtice of the Peace of that County, commanded the Defendant *John Morgan*, being a High-Conſtable, to apprehend the ſaid *Jones*; but he, contrary to his duty, neglected it; and the ſaid *Jones* being afterwards apprehended by other Conſtables, the three *Morgans* followed to reſcue him from the Conſtables, which they did accordingly, and *Edward Morgan* did again divers times ſtrike and kick the Plaintiff, and ſpit thrice in his face, and attempted to ſtrike up his heels, and threw his Hat in the Kennel; and *Jones* being reſcued, again aſſaulted the Plaintiff, ſtruck him with his Fiſt, and tore his Ruff from his Neck; and for this inſolent Riot and Reſcue the Defendants were all committed to the *Fleet*; *Edward Morgan* and *Walter Jones* fined 200 *l.* apiece, *John Morgan* 100 *l.* and *Rowland Morgan* 40 *l.* and the ſaid Defendants to pay the Plaintiff 100 *l.* for his damages.

Riotous beating and abuſe of a Juſtice of Peace.

Reſcue of a Priſoner from Conſtables.

100 *l.* damage.

Danvers Kt. *verſus* Gorge *& al.*

The Plaintiff, having recovered by a Trial at Law the poſſeſſion of a Houſe and Garden in *Chelſey* was put in poſſeſſion by the Sheriff, and to preſerve peace, a Pale, by the direction of the ſaid Sheriff, was ſet up to divide that Garden from the Defendants ground, which Pale four of the Defendants at ſeveral times did riotouſly cut in ſunder, throw down, and break in pieces; and for this they were committed to the *Fleet*, and fined 40 *l.* apiece, and the Lady *Gorge*, by whoſe encouragement the Court conceived it was done, was admoniſhed by the Court to deſiſt from the like courſes afterwards.

Riotous pulling down of Pales.

The

Mi. 3 Car.
Johnſon & *al. ver.* Webley & *al.*

The Defendant *Webley*, having been an Apprentice to the Plaintiff *Johnſon*, (a Clothier) and being out of his time, did combine with the other Defendants to overthrow and undo the Plaintiff in his Trade and Credit, and to ſet up himſelf, to exerciſe the ſaid Trade, in the Town where the Plaintiff *Johnſon* lived, and to that purpoſe *Webley* and *Weale*, with others, aſſembled themſelves at a Fulling Mill, where *Johnſon* had four Broad Clothes, in Fulling, worth ſeven or eight and thirty pounds, and there riotouſly and forcibly broke open a door, and thence took and carried away the ſaid four Broad Clothes by colour of a Diſtreſs, or of a Juſticies, at another mans Suit, and converted the Clothes to their own proper uſes, and about Twelve of the Clock in the night, of the ſame day, the Defendants repaired to the other Plaintiffs houſe, upon pretence to make ſearch for Vagrant and Suſpitious perſons, one of the Defendants being a Bayliff, another Conſtable, and the third Tythingman of the Town, and being on that pretence gotten into the Houſe, they unlawfully brok eopen three other doors, and there finding divers other Goods of the Plaintiff *Johnſons*, to the value of about 160 *l.* they by colour of the ſaid Writ of Juſticies took and carryed away the ſaid Goods, and converted them to their own uſe, to the utter undoing of the ſaid *Johnſon*: and for theſe offences, the Defendant being not able to make it appear that they had any lawful Writ of Juſticies to Seize the Goods of the Plaintiff; the Defendants were Committed to the *Fleet*, *Webley* and *Weale*, for their riotous taking of the Clothes from the Mill, Fined a hundred Mark apiece, and they and the other Defendant, for the laſt offence 100 *l.* apiece more, and *Webley* and *Weale* to pay 50 *l.* damage for the firſt Clothes, and they and the other Defendant 200 *l.* damage for the laſt Goods, and *Webley* diſabled to bear any Office hereafter.

Oppreſſion by colour of Authority.

Riotous taking away of Goods by colour of Juſticies.

Damage 300 *l.*

Merrick, Eſq; *verſus* King, Blundevile & *al.*
Riot in the night.

The Defendant *King*, *Blundevile*, & *al.* bearing malice to the Plaintiff and his Wife, and pretending Title to the Houſe wherein the Plaintiffs Wife, Child, and Servants then were, did with the other Defendants, and others, about Twelve of the Clock at night, riotouſly break open the doors of the ſaid Houſe, and being armed with Swords went in to the Plaintiffs Wives Chamber, where ſhe and her Child were in Bed and aſleep, and there in barbarous and uncivil manner forced the Plaintiffs Wife to riſe out of her Bed in the preſence of them all, and would not ſuffer her to have any Fire to make her or her Child ready by, but kickt it about the Houſe, and kickt and puncht the Plaintiffs Wife, and thruſt her out of the Houſe, ſo as ſhe was enforced at that time of the night to go a mile or two on foot to another Houſe, and for this the Defendants were Committed to the *Fleet*, *King* and *Blundevile* Fined 500 *l.* *Dixon* his man 100 *l.* and *King* to pay it, if he be not able, and *Legate* a Conſtable 200 *l.* and to pay the Plaintiff for his Wives wrong a hundred Mark damages.

A hundred Mark damage.

Boys & *uxor ver.* Jenkinſon Knight, & *al.* Juſtices of Peace.

The Defendants bearing malice to the Plaintiff, *Suſan Boyes*, and to one *Grace Tubby*, plotted how to diſgrace them, and to effect it *Carſey* and *Pulkham* cauſed them to be convented before the other Defendants, Sir *Tho. Jenkinſon* and Sir *John Rowſe* Knights, two Juſtices of Peace in *Comitat. Suffolk*, and there falſly accuſed them to be perſons of ill life and quality, and that the Plaintiff, *Suſan*, looking Mr. *Guthery*, a Preacher,

in the Face, in Sermon time, jeered and made mouths at him, and that the ſaid *Graee* alſo had carryed herſelf uncivilly and inſolently towards the ſaid Mr. *Guthery*, when he was in the Pulpit Preaching, and procured ſome of the Neighbours to come before the Juſtices, and to inform them of their ſaid ſuppoſed ill carriage, and that they were of ill life and converſation, and upon this bare information without Oath, the ſaid Juſtice (notwithſtanding the ſaid *Suſan* and *Grace* upon their Examion denied it) made their Warrant and ſent them to the houſe of Correction to be there whipt, by reaſon of which whipping they fell dangerouſly ſick, and one of them was in danger of death: and complaint being made to the Juſtices at the Bench at the next Quarter Seſſions, and Witneſſes being there offered to teſtifie the danger they were in, by reaſon of their whipping, Sir *Tho. Jenkinſon*, to hinder the examination, falſly and malitiouſly informed the Juſtices, that the ſaid *Suſan* and *Grace* continued in their bold courſes, and after their whipping drunk a Health to him and Sir *John Rowſe*, and cauſed the Bell to be tolled in deriſion of Juſtice, and by this means got the Juſtice not only to forbear to examine the Witneſſes, but to make an Order to Commit them again to the Houſe of Correction, and for the firſt of theſe Offences they were Committed and Fined two hundred Mark apiece, and to pay 50 *l.* apiece damage to *Suſan* and *Grace*; and Sir *Thomas Jenkinſon*, for miſleading the Juſtice 20 *l.* Fine more, and the Decree to be read at the Aſſizes.

Sending two women to the Houſe of Correction without cauſe.

Miſleading the Juſtice on the Bench.

Fifty pounds apiece damage to theſe no parties to the Suit.

This Cauſe brought to hearing by Mr. Attorney General, becauſe one of the Plaintiffs were dead, and the other marryed to another Husband, which abated the Suit.

Attor. *Regis ore tenus ver.* Denham *& al.*

The Defendant in *October* 3. did Hunt, Chaſe, and Kill one Fawn in His Majeſties Park, called *Eltham Park*, in *Com. Kanc.* and for that were Committed to the *Fleet*, not to be thence enlarged until they find Sureties never to offend in the like kind hereafter in any of His Majeſties Forreſts, Chaces, or Parks whatſoever, and Fined 50 *l.* apiece.

Seaborn *ver.* Builthe *& al.*

Ryot.

The Defendants riotouſly aſſaulted and ſet upon the Plaintiffs two Brothers, and with a long ſtaff ſtruck them and broke their heads, and for this were all Committed to the *Fleet*, and Fined forty pounds apiece.

Thelwel *ver.* Holman *Eſq;*

The Plaintiff being a Maſter of the *Chancery*, a matter there in controverſie between the Defendant and one Mr. *Gotts* was referred unto him by the Lord Keeper, the Plaintiff made his Report, and that Report was Decreed, and the Defendant being ſerved with a Writ *de executione decreti*, and the mony Decreed to Mr. *Gotts* demanded of him, the Defendant being diſcontented thereat, ſaid he would not pay the mony, but prevent it if he could, for that he knew the old courſe, that the Plaintiff and the ſaid Mr. *Gotts* were ſharers therein, thereby falſly and malitiouſly ſlandering and charging the Plaintiff with corruption and agreeing to take part of the mony, Decreed for making his Report; and to the further ſcandal of the Plaintiff, he preferred a Petition to the Lord Keeper, whereby he falſly charged the Plaintiff with divers wrongs and injuſtice done unto him in the making of the ſaid Report, and for this ſcandal the Defendant was Committed to the *Fleet*, Fined a thouſand Mark, to acknowledg his Offence, and make his ſubmiſ-

Scandal of a Maſter in Chancery.

ſion

sion in the Court of *Chancery*, and pay the Plaintiff five hundred pound damages.

Mi. 3 Car. *Hi.* 3 Car.

The Defendant *Ridley* in the night time, without Licence or Banes asking, and without the consent or privity of the Plaintiff or his Lady, or of the Defendant, Sir *Sigismond Zinzan*, al. *Alexander*, did Marry the Plaintiffs eldest Son and Heir, being not above sixteen years and eight months, unto *Margaret* the Daughter of the Defendant, Sir *Sigismond*, and the Defendant *Barton* was present, and gave the said *Margaret* in Marriage to Mr. *Shelly*, and *Alice* the Wife of the said *Ridley* was present, and a Witness to the Marriage, and for this they were Committed to the *Fleet*, *Ridley* the Parson Fined 500 *l.* and left to the High-Commission Court for further punishment, his Wife Fined 10 *l.* and *Barton* that gave her, 100 *l.* and the Validity of the Marriage was wholly left to the Ecclesiastical Court: and for that it appeared that *Godfrey* and his Wife, two other of the Defendants, who kept an Ale-house, suffered some to spend the greatest part of Service-time, on a *Sunday*, in drinking in their house, the Court Ordered them to be put down, and disabled them ever to keep an Inn or Ale-house after.

Shelly *Knight*, *ver.* Zinzan *al.* Alexander *& al.*

Celebrating a Clandestine Marriage without consent of Parents, and without Licence or Banes asking.

Hill. 3 Car.

THE Defendants *Flight* and *Bateman*, in *May* 17. *Jacobi*, became bound to the Plaintiff in a Bond of 60 *l.* to pay him 31 *l.* 10 *s.* in *Feb.* following, and the Bond having been long Forfeited, the Plaintiff finding himself abused and deluded with several promises made, and broken, Sued the said Defendants, and in *Michaelmas* Term 20. *Jacobi*, *Flight* appeared by his Attorney, and the Term following suffered a Judgment by *Non sum informatus*, and was soon after taken in Execution for that Debt and carried to the Goal, and whilst he there lay, he sent several Messengers to the Plaintiff to Compound the Debt, and sent to know what the Principal, Interest, and Charges came to, and he would pay it: yet afterwards sent the Plaintiff word, that unless he would take 30 *l.* for the whole Debt, Interest and Charges, he should have it, but if he would not, he had learned a trick, and had Witnesses to prove that the mony was paid, and this Composition being refused; *Flight* Sued out a Writ out of the Court of Common Pleas against the Plaintiff, returned in *Michaelmas* Term 22. *Jacobi*, when the now Plaintiff appeared, and *Flight* declared that in consideration of 31 *l.* 10 *s.* paid to the Plaintiff the ninth of *February*, 1619. (being the day whereon the mony should by the Condition of the Bond have been paid to the Plaintiff) the Plaintiff promised to deliver him the said Bond within a Fortnight after, which he did not perform to the damage of the said *Flight* 200 *l.* to which Declaration the now Plaintiff pleaded that the said mony was not paid, and denied the promise, and Issue being joyned, the same came to Tryal, and at the Tryal the Defendants, *Salmon* and *Fox* being Sworn to Testifie for the Defendant *Flight*, did falsly and wilfully Perjure themselves, and depose that the mony was paid at the day, and that the now Plaintiff did promise to deliver the Bond within a Fortnight after, and thereupon the Jury gave a Verdict, against the now Plaintiff and *Flight* had Judgment thereupon against him for 92 *l.* damages, besides

Craske *ver.* Flight.

Perjury at a Tryal by Bill *Nisi Prius*.

A Judgment gotten by Perjury, made void and Vacated.

ſides Coſts, and for this wilful Perjury the Defendants, *Salmon*, and *Fox*, were Fined 100 *l.* apiece, Committed to the *Fleet* ſix months without Bail or Mainprize, ſet in the Pillary with their Ears Nailed thereto, and diſabled ever to be Witneſſes in any Court of Record, and the Plaintiff freed of the Judgment, and of all Damages and Coſts, gotten againſt him by the Defendants, Perjury and Vacat to be thereof made, and a perpetual *ceſſat executio* upon the Record to be made to that end: and the Plaintiff likewiſe left to take the benefit of his Judgment upon the ſaid Bond, but the Court would not Sentence the other Defendant for ſubornation, although the Oath was for their benefit, and that they were procured by *Flight*, yet the Court Ordered them to be liable to pay Coſts, and ſo left them with *non liquet*.

Non liquet pays Coſts.

Parker *Eſq*; & *al. ver.* Fuliambe *Bar.* & *al.*

The Defendant *Francis Fuliambe*, being ſerved with an Injunction of the Court *pro Dutchiæ*, to ſuffer the Plaintiff *Parker*, as Farmer to His Majeſty, to have and receive thence-forward the Lot and Cop within and throughout the Cop of *Elton*, in *Com. Darby*, did after the ſervice thereof, together with the other Defendants and others, to the number of thirty at the leaſt, go into the ſaid *Elton* Fields, where the Miners were at work, getting of Lead-Ore, and where the Plaintiff *Toffte* being Bar-Maſter, was Over-ſeeing their work, and attending to receive the Lot and Cop for the King, or the Plaintiff *Parker* his Farmer, and there went into the Miners Groves, pulled their Stoes in pieces, took away many of their working Tools, and threatned them if they would not come out of their Groves, he would pull in their Groves upon their heads, by reaſon of which threats the poor Miners who had nothing but their Labour to live on, were affrighted and amazed, and forced to forſake their work, to the great damage both of them and the Plaintiff: and for this Riotous doing the Defendants were all Committed to the *Fleet*, *Fuliambe* Fined 100 *l.* and four others 20 *l.* apiece, and *Fuliambe* to pay it for them if they be not able.

Riotous diſturbances in their Lead Mines.

Vaughan *Eſq*; *ver.* Jenkin & *al.*

The Defendant *Grundy* having obtained ſeveral Judgments againſt the Plaintiff upon Bonds, the Plaintiff offered him his mony, and the Defendant refuſing it, the Plaintiff got an Order that he ſhould accept it, and that Execution ſhould be ſtayed, nevertheleſs the Defendant *Grundy* bearing malice to the Plaintiff, Combined with the other Defendant to diſgrace him by a publick Arreſt, for the ſaid Debt in the Town of *Carnarvan*, at ſuch time as the Plaintiff being High Sheriff of the Shire ſhould with all his Attendants and Friends be riding out of the ſaid Town to fetch in the Juſtice of Aſſize or great Seſſions, which they effected accordingly in the Market-place of the ſaid Town, inſomuch that many of the Plaintiffs ſervants and followers drew their Swords, and much blood might have been ſpilt, had not the Plaintiff by his diſcreet and temperate carriage pacified them, and for this Riotous and diſgraceful Arreſting the Plaintiff, when they might have Arreſted him at any other time, and when the Plaintiff had as much mony offered him before, as demanded and took after the Arreſt, the Defendants were Committed to the *Fleet*, *Grundy*, and one other Fined 500 *l.* apiece, *Davies* and *Philips* the two Sheriffs of the Town 200 *l.* apiece, and *Tavernor* who was *Grundies* ſervant 40 *l.* but *Grundy* to pay it if he be not able, and the Defendant to pay the Plaintiff 200 *l.* damages and publickly acknowledg their offences, both at *Carmarthen* and at the great Seſſions for the ſaid County

Diſgraceful Arreſt of a High Sheriff as he was riding out of Town to meet the Judges.

County of *Caermarthen*, at both which times and places this Decree is likewiſe to be publickly read.

Paſc. 4 Car. 200 *l.* Damage.

Paſc. 4 Car.

THe Plaintiff and the Defendant *Seymor* being ſtruggling together in the field about a diſtreſs which the ſaid Defendant endeavoured to take of the Plaintiffs working-horſes, five of the other Defendants went Armed into the field, and there riotouſly aſſaulted, beat, and wounded the Plaintiff, and dragged him on the ground by the hair of the head; and for this Riot ſix of them were committed to the *Fleet*, one of them fined 40 *l.* the reſt 20 *l.* apiece.

Reade *verſus* Penruddock *& al.*

Riot.

The Defendant *Mady* being juſtly deprived by the Sentence of the High Commiſſion Court of the Church of *Blagden*, one *Parker* was duly admitted to the ſaid Parſonage, and enjoyed the ſame about ſeven years, till *Mady* (pretending his Deprivation was reverſed by King *James* his Pardon, and he thereby reſtored to be Parſon as before) made ſeveral Entries; whereupon *Parker*, with others, was inforced to exhibit a Bill in Chancery againſt *Mady*, and others, to be relieved therein: And *Mady* in his Anſwer thereunto (to the ſcandal of the High Commiſſion Court and Judges thereof) alleaged that the Sentence there given againſt him was not in legal manner given, or upon ſufficient proof, and that there was neither Articles, Libel, nor Allegation exhibited, nor Witneſſes produced touching the Defendants irregularity to induce the Sentence of his Deprivation; and the ſaid Defendant *Mady* in his Rejoinder in that Cauſe did alſo ſcandalouſly ſet forth and alleage, that this Deprivation was ſo far from being legal, that it was a moſt illegal and irregular Sentence, contrary to the Eccleſiaſtical, Common, and Statute Laws of this Realm, and directly contrary to the Word of God: That he was deprived partly for irregularity in Preaching, being ſuſpended, whereas there was never any Suſpenſion, nor Witneſſes produced, nor Articles exhibited, and for incorrigibility, which incorrigibility had no warrant from the Law of God, or Man, and that he was unjuſtly deprived without deſert; That the main offence for which he was deprived was not ſimply a breach of any of Gods Commandments, foraſmuch as it was for exerciſing his Function; that by the courſes taken againſt him it was more than manifeſt that they ſought not his reformation, but deprivation; that one of the Commiſſioners might have the beſtowing thereof; and that for the effecting thereof there were divers ſnares laid for him, which by the Wit of man could not be avoided; That his Parſonage was taken from him meerly by Injuſtice and Oppreſſion, and contrary to the Laws of God and Man. And for this Scandal the Defendant was committed to the *Fleet*, fined 200 *l.* to acknowledge his offence, and make his ſubmiſſion in the High Commiſſion Court, his Anſwer and Rejoinder to be taken from the File and Cancelled, and that he ſhall in this Court publickly acknowledge this Sentence to be juſt.

Attorn. Regis verſus Madye Cler.

Scandal of the High Commiſſion Court and the Judges thereof.

By an Anſwer and Rejoinder in the Court of Chancery.

Trin.

Trin. 4 Car.

Brighouſe *verſus* Poole *& al.*

THe Defendant Sir *German Poole* bearing malice to the Plaintiff, and having vowed revenge, did, with intent to murther him, ſhoot two Piſtols at him out at a Window, both whch miſſing him, he gave a charge to two of his Servants that they ſhould kill the Plaintiff whereſoever they met him, and ſwore he would have a Leg or an Arm of the Plaintiff; and the ſaid Sir *German*, not long after meeting the Plaintiff in a Lane near the Parliament Stairs at *Weſtminſter*, juſtled him, and the Plaintiff paſſing by, and taking it patiently, *Poole* called to the Defendant *Roby*, and another Servant who then attended him, and commanded them to kill the Plaintiff; whereupon they purſued him with their Swords drawn, and run him through the Cloak, between the Arm and the Body, and had like to have ſlain him before he perceived them; but upon the out-cry of a woman to look to himſelf, the Plaintiff drew his Sword, and ſo defended himſelf that they two could not hurt him, which Sir *German* perceiving, he likewiſe drew his Sword, and therewith cut and wounded the Plaintiff in his Arm, and bid him put that in his Sleeve; by reaſon whereof the Plaintiff loſt the perfect uſe of his right Arm and Hand; and for this Sir *German Poole* and *Roby* were committed to the *Fleet*; Sir *German* fined 500 Marks, and to pay the Plaintiff 500 *l.* damages, and *Roby* fined 100 *l.* Sir *German* bound to his good behaviour during life, and to pay *Robies* Fine, if he be not able: And *Roby* to be alſo liable to the damages if *Pool* be not able to pay them.

Riotous aſſault and maiming the Plaintiff.

500 *l.* damage.

Almond *verſus* White *& al.*

The Defendant *Payn alias Fencer* being Priſoners in *Stafford* Goal in Execution for Debt, and knowing no other way to free themſelves, practiſed with the Defendant *Bunnington* to work their Eſcape, which they thus Effected: *Bunnington* at a day and place by them appointed and agreed on, attended with Horſes and Weapons, ſafely to convey and carry them away; and *Payne* and *Blackmore* knowing they were in Readineſs, *Blackmore* got the Under-Goaler, who kept the Keys of the Priſon, to go with him into the Under-Goal for a ſheet of Paper, and there ſhut him up, and got away the Keys of the Priſon, and then he and *Payne* opened the Priſon door and eſcaped, and they and *Bunnington* rid away together; And for this, *Payne* and *Bunnington* were committed to the *Fleet*, and fined 100 *l.* apiece, and the Plaintiff left to the Law for his Damages, he having made Proof of none here.

Practice to procure the Eſcape of Priſoners in Execution.

Mich. 4 Car.

Attorn. Regis per Rel. Mainard *Eſquire verſus* Rowe *Gent.*

THe Defendant *Rowe* being Head-Conſtable of *Taveſtock*, and being one of the eight men that had the ordering of the private Affairs of the Pariſh took upon him to diſpoſe of the Souldiers that were to be Billetted in the ſaid Town; and having conceived malice againſt one *Fairchild*, a Weaver of the ſaid Town, he offered to place three Souldiers with the ſaid *Fairchild*, who was willing to receive two of them, or to pay Twelve pence apiece a Week for their Entertainment elſewhere, but was unwilling to receive or Billet any more; and hereupon the Defendant went to the ſaid *Fairchilds* Houſe with three Souldiers, and

and finding the door ſhut, ſent for a Sledge, and endeavoured therewith to break open the Door; and the ſaid *Fairechilds* Wife then opening the Door unto him, he thruſt in the ſaid three Souldiers, and told them they muſt there expect their entertainment: And *Fairechilds* Wife then deſiring to have but two of them, the Defendant threatned her that her Husband ſhould be ſent away for a Souldier, and that ſhe ſhould be hanged by Martial Law, and thereupon procured a Warrant from one of the Commiſſioners for Billetting the ſaid Souldiers, who dwell five or ſix Miles off at the ſaid *Fairechilds*, but never acquainted the Commiſſioners, who lived in the ſaid Town, therewith, and the Commiſſioners, who dwelt ſo far off to carry the ſaid *Fairechild* and his Wife to *Plymouth* before the Commiſſioners for Martial Law, and ſerved his Wife therewith: But *Fairechild* for fear ran out of the Country; and then, to make a peace and reconciliation between them, the Defendant extortiouſly demanded, and received from *Fairechild* for a Compoſition a Piece of *Kerſey*, worth 4 *l.* 10 *s.* and upon delivery thereof *Fairechild* was ſuffered to return to his houſe without further trouble upon the Warrant: The Defendant did alſo unlawfully detain and keep in his hands the pay or Billet-money which he received from his Majeſties Commiſſioners, to pay for the Billetting of divers Souldiers, Captains, and other Officers; and when complaint was made thereof to his Majeſties Commiſſioners; and that they ſent ſeveral Precepts for him to come and give an account to them of the money he had received; the Defendant diſobeyed them, yet at laſt appeared upon their Warrant; and then, and there, in deſpiteful manner, reviled the Relator *Maynard*, being one of the Commiſſioners, and then ſitting in Commiſſion, tells him he went to *Plymouth* to tell Tales or Fables, and that he had cozened the Pariſh as little as the Relator had cozened the Earl of *Bedford*: And for theſe offences he was committed to the *Fleet*, fined 500 Marks, bound to his good behaviour a year, diſabled ever to be Conſtable after, to pay *Fairchild* for his Kerſey 10 *l.* and 100 *l.* damage to Mr. *Maynard*, and acknowledge his offence to the Relator in the Pariſh Church where he dwells.

Mi. 4 Car.
Oppreſſion.

Extortion in a High Conſtable.

Unjuſtly detaining of his Majeſties Pay for Billetted Souldiers.

Affronting his Majeſties Commiſſioners.
100 *l.* damage.

10 *l.* reſtitution.

The Defendant *Joan Faulk*, with the privity, and by the advice of the Defendant *Tolwyn*, did falſely and maliciouſly accuſe the Plaintiff of a Rape, ſuppoſed to be by him committed upon the ſaid *Joan*, and thereupon procured a Warrant for him from a Juſtice of Peace, and at his coming before him, the Defendant *Joan* retracted her Accuſation; yet afterwards divers ſcandalous ſpeeches being by the Defendant divulged, accuſing the Plaintiff thereof, the Plaintiff commenced his Action at Law againſt them for the ſaid Scandal; but before the ſame was tried they procured another Warrant againſt him, and got him bound over to anſwer it at the Aſſizes, where they procured a Bill of Indictment to be preferred againſt him, and to be proſecuted, whereupon the Plaintiff was acquitted; and *Tolwyn* before the Aſſizes laboured two of the Grand Jury to appear upon his Trial, telling them they ſhould do Sir *John Henningham* a good turn, for that the Plaintiff had a great deal of Copy-hold that would come to him by Eſcheat, if the Plaintiff were convicted; and for this Conſpiracy the Defendants were committed to the *Fleet*, *Tolwyn* fined 200 *l.* and *Joan Faulk*, then the Wife of *Edmund Eaton*, 100 *l.* both bound to their good behaviour during life, and to acknowledge their offences, and ask the Plaintiff forgiveneſs at the

Tayler *verſus* Tolwyn *& al.*

Conſpiracy to accuſe and Indict the Plaintiff of a Rape.
Labouring of Jurors in the name of a man of power to appear of a Jury.

Aſſizes, *Joan* to be whipped, and *Tolwyn*, for labouring the Jurors, diſabled ever to be of a Jury himſelf hereafter. But the Fine of *Joan Faulk* not to be levied upon the Lands or Goods of her now Husband, becauſe they were married ſince the offence committed, but to be levied on her Eſtate after her Husbands death.

Attor. Regis ore tenus verſus Heron *and* Banier.

The Defendant *Heron* about *Whitſontide* laſt at *Loham* in *Cambridgeſhire* fell into acquaintance with the Defendant *Banier*, whom he never ſaw before, and falſely told him his name was *Robert Rich*, and that he was a Kinſman to the Earl of *Warwick*, and that he had killed the Duke of *Buckingham* in the Kings Privy Chamber, and was glad to flee for it; and thereupon *Banier* entertained him, lent him money, and called him his Coſin, and agreed that *Heron*, who then took upon him the name of *Robert Rich*, ſhould be called *John Henderſon*, and be ſaid to come out of *Kent*, and to be *Baniers* Kinſman; but *Banier* never complained thereof to any Juſtice, whereby he might have been apprehended and puniſhed, but let him depart when he knew his news was falſe; and *Heron*, upon examination before the Earl of *Newcaſtle*, did, by the name of *Robert Savage*, confeſs himſelf privy to the intention of *Felton* to murder the ſaid Duke, and that *Felton* offered him money to effect it, and told him if he would do it, there would be many to back him, and that he would provide him a Piſtol and white Powder to effect it; and in that his Examination did accuſe divers Noblemen, and other perſons of good rank and quality to be Conſpirators with *Felton* to murther the ſaid Duke, and to have moved him the ſaid *Heron* to kill the Duke; and the ſaid *Heron* upon an Examination taken before the Lord Keeper, and other the Lords of his Majeſties Privy Council, confeſſed he had conference with *Felton* concerning the ſaid Murder, that *Felton* preſſed him to give an Oath to keep his Counſel, and that he did take an Oath to that purpoſe; and therein doth likewiſe accuſe ſome other noble and great Perſonages to have ſolicited him to murder the ſaid Duke, and that at *Huntingdon* Aſſizes he was burnt in the ſhoulder for taking on him to be the Earl of *Warwick*; and that he alſo took upon him the name of *Charles Percy*, and was whipt for it in *Suſſex*. And in the latter end of that Examination he confeſſeth, that all that he hath ſaid in his ſeveral Examinations concerning the Lords and other perſons of quality mentioned in his ſaid Examinations is utterly falſe, and that he knows not *Felton*, nor that any thing contained in his Examination, taken before the Earl of *Newcaſtle*, is true, and that his name is not *Savage*, but *Heron*; and for this *Banier* was committed to the *Fleet*, fined 1000*l.* and bound to his good behaviour during life; and *Heron* was committed, fined 2000*l.* to be whipt from the *Fleet* to *Weſtminſter*, and be there ſet in the Pillory, with one of his Ears nailed and cut off, his Noſtrils ſlit, his Face branded with the letter *F* in one cheek, and the letter *A* in the other cheek, for a Falſe Accuſer of himſelf and others: And at another time to be whipt from the *Fleet* to *Charing Croſs*, and be there ſet in the Pillory, with his other Ear nailed and cut off, and from thence be carried to *Bridewell*, there to be kept at work during life.

Going about the Country by falſe names, and with falſe news and tales to get money by it.

Helping to change his name, and to conceal him when he confeſt himſelf guilty of Murder.

False accuſation and ſlander.

Huet *verſus* Overy *& al.* Riotous reaping and carrying away of Corn.

George Overy, upon pretence of title, came with the other Defendants, and eighteen or twenty more, to a parcel of ground where the Plaintiffs Wife with others were reaping of Wheat, and there bound up the Wheat that was reaped, reaped the reſt, and violently carried it all away;

away, threw down the Plaintiffs Wife when ſhe oppoſed them, and ſtruck the Tythingman with a Truncheon when he required them to keep the peace, and refuſed to ſhew any right to the Corn, although he were offered to have it quietly, if he could ſhew any title to it; and for this they were all committed, *George Overy* fined 40 *l.* the reſt 20 *l.* apiece, and the principal to pay it, if they be not able. *Mi.* 4 Car.

His Majeſty having granted Letters Patents under his Great Seal for a Collection to be made for the repair of the Port and Haven of *Rye* in *Suſſex*, one *Luxford* a Merchant was lawfully deputed to make the Collection in *Lincolnſhire*, who coming to the Town where the Defendant dwelt, and was a Juſtice of the Peace, the Churchwardens carried him before the Defendant, and the Defendant, notwithſtanding the ſaid *Luxford* ſhewed him the Letters Patents under the Great Seal, and his Deputation under the Hand and Seal of Sir *Thomas Sackvile*, and other Juſtices of the Peace of the County of *Suſſex*, made a Warrant, and cauſed the ſaid *Luxford* to be whipt as a wandring Rogue; for which offence, being done contrary to Law, and in contempt of his Majeſties Great Seal, the Defendant was committed to the *Fleet*, and fined 200 *l.* and to pay *Luxford* 50 *l.* damages.

Attor. Regis ore tenus verſus Sir Edward Herne *Knight, a Juſtice of the Peace.*

Whipping a Patent-gatherer, contrary to Law.

50 *l.* damage to one no party to the Suit.

Carleton, having received information that the Plaintiff was charged with the murder of *Mary Winkle*, (notwithſtanding the Coroners Inqueſt had found and returned that ſhe died *Viſitatione Dei*) became a Suitor to the King for the forfeiture of his Eſtate, and having obtained a Grant of it, obtained a Warrant from the L. Chief Juſtice to have the matter better examined by two Juſtices of Peace, which was done, and no cauſe found to ſuſpect the Plaintiff for the Murther, yet the Defendant *Carleton*, who in perſon attended that Examination of the Juſtices, at the next Aſſizes cauſed an Indictment to be preferred againſt the Plaintiff for the ſaid ſuppoſed murther, and attended the ſame in perſon, and procured Witneſſes to be ſummoned to give evidence, yet the Jury returned *Ignoramus*; yet the Defendant *Carleton* being not ſatisfied, at the next Aſſizes cauſed another Bill of Indictment to be preferred againſt him, and attended in perſon to proſecute it; and the Defendant *Edwards* knowing the Plaintiff was queſtioned for the murther, and the forfeiture granted to Mr. *Carleton*, he being diſcontented with the Plaintiff, ſent for a woman, and examined her what ſhe could teſtifie concerning the Plaintiffs ſuppoſed ſtriking the ſaid *Winkles*, and ſhe anſwering ſhe could ſay nothing; *Edwards* ſent for her again, and told her, if ſhe could teſtifie that the Plaintiff ſtruck the ſaid *Winkles*, and ſaid, ſhe muſt hold with the poor, and bid her take heed what ſhe ſaid, for the Plaintiff did ſtrike the ſaid *Winkles*, and at the Aſſizes he came to her, and other Witneſſes, and bid them have a care, for if they would they could teſtifie that the Plaintiff ſtruck *Winkles*; and for this proſecution of *Carleton* againſt the Plaintiff, after he had begged his Eſtate, he was committed, and fined 500 Marks; and *Edwards* for ſolliciting and tampering with the Witneſſes, was Committed, and fined 200 *l.*

Eſcourt *Knight and Bar. verſus* Carleton *Eſquire & al.*

Proſecuting a man for murder after he had obtained a grant of the forfeiture of his Eſtate in caſe he were convicted.

Tampering with Witneſſes.

The Court upon the Plaintiffs motion, no cauſe being ſhewed to the contrary by the Defendant Archbiſhop, ſeveral days were given him in that behalf, did confirm a Decree, formerly made about 10 *Jacobi* between the ſame parties touching digging and graving of Turfs in a Moſs called

Crew *Knight verſus* Vernon *Knight.*

called *Okehanger*-Moss to be spent in his Mannor House of *Crew*, and did also Decree and Confirm a Certificate made by the Lord Viscount *Cholmley*, and others, with divers additions for the Plaintiff more full and free enjoying of the said Turfs, and prevention of the destruction thereof in time to come.

Matter of Title Decreed.

Hill. 4 Car.

Goad *Esq; ver.* Bainbrig *Gent.* Single Battery.

THE Defendant having long before conceived displeasure at the Plaintiff, came up into a Room where the Plaintiff and others were ready to go to Supper, and there without any offence offered or given him, struck the Plaintiff twice in the Face with his Hand and Fist, whereby one of his Eyes swelled very much, and called the Plaintiff (being then Deputy Clerk of the Court) base Rogue and Rascal, and swore he would pull the Plaintiffs Gown over his Ears where or whensoever he met him in the Streets, and cut it all in pieces, and for this the Defendant was Committed to the *Fleet*, Fined 100 *l.* to make his submission and acknowledgment to the Plaintiff at the Bar of this Court, and pay the Plaintiff 100 *l.* damages.

A hundred pound damages.

Garton *ver.* Mellershe.

The Plaintiff with three of his Brothers servants having taken an Oxe for a Herriot due to the Plaintiffs Brother, after the death of the Father of the Defendant *William Mellershe*, was pursued by the Defendants all Armed, and the Defendant having overtaken him, *William Mellershe* strook him twice with his Spade Staff, and another of the Defendants with his Forest Bill gave the Plaintiff such a Cut on the back of his Left Hand, that he fainted and hath lost the perfect use of three of his Fingers, and for this Ryot they were all Committed to the *Fleet*, two of them Fined 100 *l.* apiece, and three others 40 *l.* apiece, and *William Mellershe* to pay all their Fines, if the rest be not able, and the Defendant to pay the Plaintiff 400 *l.* damage in respect of his Maim, notwithstanding he had recovered and received 100 *l.* damage before upon an Action of Battery.

Riotous wounding the Plaintiff. Four hundred pound damage.

Pasc. 5 Car.

Treweene & *uxor ver.* Fredenick.

THE Defendant having receiv'd a Writ of *Fieri Facias* to Levy 20 *l.* Debt, and 50 *s.* Damages on the Goods and Chattels of Sir *Richard Carnesewe* on the behalf of the Plaintiffs, and another like Writ to Levy 16 *l.* Debt on the behalf of one Mr. *Bonithon*, did take eight Kine in Execution, and Sir *Richard Carnesewe* sending to the Defendant to know wherefore he had taken his Kine, he said he had taken them at the Plaintiffs Suit, but he had two Writs, and if he were well dealt with, he could keep them on either: Then *Carnesewe* sent to redeem the Cattle, and shewed the Defendant a Release of *Bointhons* Debt; and the Cattle being valued at 16 *l.* the Defendant received 6 *l.* in hand, and Bond for 10 *l.* more, and yet falsly returned upon the Plaintiffs Writ, that *Carnesewe* had no Goods nor Chattels within the County, whereof he could Levy the Plaintiffs Debt and Damages; and for this was

Under-Sheriff making a false Return of a Writ.

was Committed to the *Fleet*; Fined two hundred Marks, and Ordered to pay the Plaintiffs Debt and Damage, if it were not ſatisfied before. *Paſ.* 5 Car.

The Defendant being Convented before the Lords of the Council at the Council-Board, for ſome miſcarriages at the Cuſtom-Houſe; and there being then ſome Speeches concerning the Merchants of the Kingdom, and his Majeſties well and gratious uſage of them; the Defendant falſly, malitiouſly, and ſeditiouſly ſaid, that they, meaning the Merchants, are in no part of the world ſo ſcrew'd and wrung as in *England*; and that in *Turky* they have more incouragement; and for theſe Seditious words he was Committed to the *Fleet*; Fined 2000 *l.* and before his Enlargement to make an humble acknowledgment and ſubmiſſion at the Council-Board, in this Court, and at the *Royal Exchange*, at ſuch time, and in ſuch manner as this Court ſhould direct. Attorney Regis *ver.* Chambers. Seditious words at the Council-Board.

The Defendant being brought to the Bar, was charged by Mr. Attorney General, that he Wickedly, Undutifully, Traiterouſly and Seditiouſly had given out in ſpeeches, that he had heard that the King went to Maſs with the Queen, and having confeſſed it upon his Examination, and named ſeveral perſons to be the Authors thereof, who, being Examined, did deny it. The Court declared, that it was His Majeſties great Grace, that the Defendant was not dealt withal in a higher degree; and therefore Fined him 5000 *l.* Committed him to the *Fleet*; and Ordered him to acknowledg his offence in this Court, with a Paper on his head, declaring his offence, and to make the like acknowledgment at all the Bars of all the Courts at *Weſtminſter*, and at the publick Aſſizes of *Suffolk* and *Huntington*, and at *Pauls* Croſs, and the Preacher at that time to reprove the Raiſers and Publiſhers of ſuch Notorious, Falſe and Slanderous Reports. Attorney Regis *ore tenus ver.* Jo. Maud. For ſaying the King went to Maſs with the Queen.

The Plaintiff for Filing a Bill in this Court, containing many foul and odious Charges againſt the Defendants, and letting the ſame hang as a Libel againſt them above three years, and never calling any of them to anſwer it, was Fined 100 *l.* to His Majeſty, and Ordered to pay to the Lord *Wentworth*, and Lord *Clifford* 100 *l.* apiece damages; to the Lord *Fairfax*, Sir *Richard Colmnley*, and Sir *Thomas Gower*, Sir *Edward Stanhop*, and Mr. *Jo. Ledgard*, 50 *l.* apiece damages; and to make an acknowledgment, in ſuch manner publickly in this Court, or otherwiſe, as ſhould be thought fit, unleſs he did, by the ſecond ſitting of the next Term, Exhibit a new Bill againſt them for the ſame offence, and proſecute it with effect; and this Bill was Ordered to be taken from the File and Cancelled. *Dominus* Savile *ver. Vicecom.* Wentworth *& al.* Exhibiting a Libellous Bill and not Proſecuting thereof. Fine to the King, and damages to the Defendants.

The Defendant for publiſhing a ſcandalous Libel againſt the Plaintiff (*Thornebrough*) being a Reverend and Learned Biſhop, was Committed to the *Fleet*, Fined 100 *l.* and Ordered to make an humble acknoledgment and ſubmiſſion to the Plaintiff at *Worceſter* Aſſizes, the Judges ſitting, and the Decree to be then and there Read. Ep. Worceſter *ver.* Bowyer.

The Plaintiffs Bailiffs having Lawfully ſeized two Oxen, and one Nag of the Defendants, *Rice*, for a Debt due by him to His Majeſty, divers of the Defendants, with fifty or ſixty others, reſcued them, wounded the Aſhton *Bar. ver.* Blundel *Armig. & al.*

the Bailiffs, and ſaid, if his Majeſty himſelf had come, he ſhould have taken no Cattel thence, and the ſaid Plaintiff having by vertue of another Writ to him directed, made his Warrant to his Bailiffs to ſeize four Oxen, ſeventeen Sheep, nine Kine, and certain Swine, Corn, and Hay of the Defendant *Blundels*; and the Bailiffs going to take and ſeize the ſaid Goods; the Defendants Servants, and Tenants, went into the Fields, and brought up the Cattle ſuddenly into the Court-Yard, and guarded the Gates within and without, with Armed men, that the Bailiffs could not Execute their Warrant; and twelve of the Defendant *Blundels* men fell upon the Plaintiffs Bailiffs, and ſore beat and wounded them; and *Blundel* himſelf being within, and hearing the Cry of one of the Bailiffs who was wounded, called him diſſembling Raſcal, and ſaid, if he had not enough, he ſhould have more. And the Defendant *Blundel* being a Popiſh Recuſant Convict, and living in Little *Crosby* in *Lancaſhire*, incloſed a piece of Ground and Fenced it, part with a Stone-Wall, and part with a Hedg and Ditch, and kept and uſed the ſame for the ſpace of ten years, for the Burial of Popiſh Recuſants, and Seminary Prieſts: and for theſe Offences, two of the Rioters were Fined 500 *l.* apiece, three others 100 *l.* apiece, and *Blundel* for procurement of the Riots, and erecting the Church-Yard 2000 *l.* all Committed to the *Fleet*, and the Wall and Mounds of the Church-Yard to be pulled down by the Sheriff, and the Ground laid waſt, and the Decree to be Read at the Aſſizes; and *Blundel* Ordered to pay the Bailiffs a hundred Marks apiece damages, and the other Defendants to pay them 40 *l.* apiece damages.

Riotous Reſcue of Cattle ſeized and reſiſting the ſeizing of other Cattle, and beating the Bailiffs.

Unlawful Erecting of a Church-Yard for Burial of Popiſh Recuſants.

Damage to them no Parties to the Suit.

Trinit. 5 Car.

THE Defendant being Armed with ſeveral ſorts of Weapons, the 29. of *July* 2 *Car.* repaired to the Plaintiffs Dwelling-Houſe, and there brake down an outward Wall againſt a pair of Stairs in the Kitchin, and brake down a great part of a Glaſs-window into the Hall, and thereat the Rioters entred the Houſe, and one of them threatned and endeavoured to have killed the Plaintiffs Daughter, an infant, then in the Houſe; and ſhe and the Plaintiff, and his Brother crying out for help, ſome Officers and Conſtables hearing the outrage came to the Houſe, and required the Defendants and their Aſſiſtants to keep the Peace, and to ſhew by what Warrant, or Authority they Committed ſuch an outrage; whereat the Rioters derided the Conſtable, bid a Turd in his Teeth, and gave him other foul Terms not fit to be recited, and all of them refuſed to obey any Authority, but in unlawful manner, did, with their Weapons, and Engines, beat down ſix doors, and divers inner walls to come to the Plaintiff and his Brother, and having taken the Plaintiff they tumbled and lugg'd him through ſeveral Rooms down a pair of Stairs, and caſt him out of the Houſe, and kicked and ſpurned him upon the Back and Body, and the Plaintiffs Brother being got into a Hawks Mew, *John Hill* bid the Rioters fetch him down dead, or alive, and he would bear them out, if it coſt him 1000 *l.* and thereupon one of them gave him divers blows and thruſts on the Breaſt and Belly with a Pike, and drave him through a Wall into a Hay-mow, and there kicked and ſpurned him; which the Chief Conſtable perceiving, and ſuppoſing they had killed him,

Barnes *ver.* Hill *& al.*

Great Riots and forcible Reſiſtance againſt Authority.

him, made Proclamation and required the Rioters to keep the Peace, and to yield their Bodies to go before ſome Juſtice of Peace to anſwer their doings, which they refus'd; and *Hill* ſaid, if *Barns* were killed he would juſtifie it; and the Conſtable then endeavouring to go up and apprehend them on ſuſpicion of Murder, they made divers thruſts at him, and threatned to kill him; and as the Conſtable was going up the Ladder to them, they turned off the Ladder, and threw him to the ground, to the danger of his life, and after threw *Barns* amongſt Nettles and Weeds on the backſide of the Houſe, and would not ſuffer him to have any thing to wrap about him, although he lay almoſt ſpeechleſs, voiding ſtore of blood, and in danger of death, and in Unchriſtian manner bid let him die, or ſtarve, he ſhould have nothing from thence, *John Hill* ſaying, he would juſtifie all that they had done: And the Conſtables and others coming another day to keep the Peace, and apprehend the Rioters, they ſhot off Pieces at them, and Arrows, and did ſore hurt one of the Conſtables. And *Suſan Hill* being told that the Biſhop of *Hereford*, being a Juſtice, would come to view the Riot, and remove the Force: ſhe ſaid, ſhe thought he would have more wit; that it was fitter for him to be Preaching a Sermon, and that if he came thither, he ſhould have as many Holes made in his Black Jacket, as he had Eyletholes in his Doublet, and that ſhe would queſtion him and all his Company in the Star-Chamber. And the Biſhop coming thither, and requiring the Doors to be opened, they let in him, but would ſuffer none elſe to come into the Houſe, and when he was come forth, and would have gone in again to have taken a farther view of the Force, the Rioters would not ſuffer him. And for theſe Offences, *John Hill*, the Principal was Fined 100 *l.* divers others 50 *l.* apiece, ſome 40 *l.* apiece, and ſome 20 *l.* apiece, all of them Committed to the *Fleet*, and *John Hill* to pay the Fines of ſo many as were not able themſelves; *Suſan Hill* to make acknowledgment at the Aſſizes to the Biſhop and ask him forgiveneſs; and the parties hurt left to the Law for their damages, becauſe they did not here complain. *Hi.* 5 Car.

The Defendant, *Thomas Cookes*, pretending Title to a yearly Rent of 4 *l.* to be iſſuing out of certain Lands in the Pariſh of *Broomſgrave* in the tenure of *John Smith*, al. *Arden*, and that Rent to be for ſome time arrear, did in *November* 2 Car. diſtrain two Mares of the ſaid *Smiths*, and according to the cuſtom of the Mannor at the next Court Baron held before the Plaintiff *Glasbrook*, the Plaintiff *Talbots* Steward, and the Bailiff and Suitors there, *Smith* pretending no ſuch Rent due, entred a Plaint in the Court againſt the ſaid *Cookes* for taking and deteining his ſaid two Mares, to which Action *Cookes* at the next Court appeared, *Smith* Declared, and *Cookes* took a Copy of the Declaration, and at the Court following, by avowry juſtified the impounding of the Mares, and *Smith* took a Copy thereof, and at the Court next Demurred in Law, and *Cookes* waved his former avowry, and put in a new, to which *Smith* likewiſe Demurred, and *Cookes* joyned in that Demurrer: and a peremptory day was appointed to argue it, but *Cookes* before that day came, ſued forth a Bill or Plaint of Aſſize of Freſh-Force for the ſame Rent againſt *Smith*, and a Precept from the Steward to the Bailiff of the Mannor to Summon a Jury to try the ſame, and to Summon the ſaid *Smith*, and at the next Court being the time alſo appointed to argue the Demurrer, and for Trial of the Aſſize of Freſh-Force, the Defendant *Thomas Cooks*, accompanied

Talbot *armig.* & Glasbrooke *Gent.* Plaintiff *verſus* Cookes *Eſq;* & *al.*

Unequal and indirect carriages upon a Trial in a Court Baron.

nied with *Edward* and *Henry Cooks*, Suitors and Judges of the ſaid Court, came into the Court, and heard the Arguments and debate of Council on both ſides concerning the Demurrer, and that being ended, the Plaintiff *Glasbrook* the Steward told the Suitors that the matter in queſtion was matter of Law, and ſeemed doubtful in divers points, and therefore wiſhed them to be adviſed before they gave Judgment therein: Whereupon *Edward Cooks* violently commanded the Steward to enter Judgment for *Thomas Cooks* the Avowant; but the Steward refuſing to enter Judgment, for that the major part of the Suitors would be further adviſed, he and the other Defendants called for a Retorn of the Precept for a Jury to try the Plaint, or Aſſize of freſh force; which was done; and thereunto, and to the Plaint it ſelf *Smiths* Council took exceptions, and much time being ſpent therein, the Aſſize was continued, and an *alias* Summons granted to reſummon the Recognitors in the Aſſize Returnable the next Court, when the Defendants *Thomas* and *Henry Cooks* procured and ſolicited the other Defendants to come thither, and twenty four Tenants being ſummoned, and returned to try the Plaint; they were ſeveral times called to appear, but many not appearing at the third call, the Defendants *Thomas* and *Henry Cooks* went to divers of the Recognitors returned, and deſired them to appear of the Jury, and to give their Voices for their Judgment upon the Demurrer to the ſaid Avowry; and one of the Recognitors ſeeming unwilling to come, *Henry Cooks* promiſed to ſave him harmleſs, and thereupon a full Jury appearing, the whole Array was Challenged, and the Challenge allowed; which the Defendants ſeeing, *Edward Cooks* the Elder and *Edward* the Younger again bid the Steward enter Judgment for the Avowant *Thomas Cooks* in the Avowry formerly argued, ſaying, he ought to enter the ſame: And the Steward refuſing ſo to do, for that the Major part held it not fit to enter Judgment until they were better adviſed, *Edward Cooks* the Elder, and *Edward* the Younger, commanded the Steward again to enter Judgment, ſaying, he was their Servant, and with great Oaths vowed he ought and ſhould enter Judgment, and gave Mr. *Low*, one of the Suitors, very unſeemly terms, and *Henry* and *Thomas Cooks* went about to ſome of the Suitors to get their hands to a Note that Judgment ſhould be entred: And for theſe indirect proceedings they were all committed to the *Fleet*; *Edward Cooks* the Elder, and *Edward* the Younger fined 200 *l.* apiece, and *Thomas* and *Henry Cooks* 40 *l.* apiece, and the Decree to be read at the ſaid Court Baron.

Attorn. Regis verſus Craddock & al.

Rout and aſſault.

The Defendants, on *December* 22. 1625. about nine a Clock at night, went, and kept ſuch a rapping at the Doors and lower Windows of Mr. *Richardſon's* Houſe at *Durham*, as frighted his Wife; and one *Rangel* going out of the Houſe with a Ruler in his hand, to ſee what the matter was; the Defendants took his Ruler from him, and ſtruck him therewith on the face, to the effuſion of his bloud, and after kick'd and ſpurn'd him, and being gone from him, purſued him again, and in riotous manner aſſaulted and ſtruck him, ſaying, If he had not enough, he ſhould have enough; and for this three of the *Craddocks* were committed to the *Fleet*, and fined 50 *l.* apiece, and bound to their good behaviour a year, and the Party hurt left to the Law for his Damages.

The

The Defendant *Cunningham* for extorting ſeveral great Sums of money from the Relators, upon ſeveral Arreſts made on them by him, being a Serjeant of *London*; many of which Arreſts were occaſioned and drawn on by himſelf, and his Devices; and for procuring one of the Relators to be Arreſted in *Weſtminſter* Liberty, and then carried into *London*, and charged with Actions there on purpoſe to wreſt and extort more Money from him, was Committed to the *Fleet*, fined 500 *l.* bound to the good behaviour, and diſabled to be a Miniſter of Juſtice, or to execute any place, or Office.

Mi. 5 Car. *Attorn. Regis per Rel.* Clifford & Saintleger *Armig. verſus* Cunningham *& al.* Extortion in a Serjeant. Arreſting in one County, and carrying him into another County to be there arreſted.

Michael. 5 Car.

THe Plaintiff having obtained a Judgment in the Court of *Common Pleas* againſt the Defendant *John Wilkins*, for 163 *l.* 1 *s.* upon an Action on the Statute of Uſury, whereof by the Statute he was to have one Moity, and the King the other Moity, did agree with the ſaid Defendant to accept of 55 *l.* for his part, and left him to agree for the Kings Moity as he could; and then the Defendant *John Wilkins* being forced to pay the Kings Moity, Commenced an Action againſt the Plaintiff, and declared, that in conſideration of the ſaid 55 *l.* the Plaintiff did aſſume, and promiſe to diſcharge the ſaid *Wilkins* of the whole Verdict and Judgment aforeſaid, and that yet notwithſtanding he had been enforced to pay his Majeſties part alſo: To which the now Plaintiff appeared, and pleaded that he did not make any ſuch promiſe, and that Action coming after to be tried, the Defendant *John Wilkins* produced, as Witneſſes to prove the Iſſue, the Defendants *Nicholas Wilkins* and *Nicholas Wilcox*, whom he knew were not preſent at the Agreement, and they did then falſely depoſe, that the now Plaintiff did make ſuch agreement as the ſaid *John Wilkins* had declared; and for this Perjury the two Witneſſes were committed to the *Fleet*, fined 200 *l.* apiece, bound to their good Behaviour, diſabled ever to be Witneſſes, and be ſet on the Pillory at *Weſtminſter* and *Taunton*, with Papers Inſcribed. *For Wilful Perjury*; and *John Wilkins*, for ſubordination of Perjury, committed, and fined 300 *l.* and all of them to pay the Plaintiff 150 *l.* damages.

Brooman *verſus* Wilkins *& al.* Perjury at an Aſſize. 150 *l.* damage.

The Defendant *Yeomans*, being a Silk-Dyer, dyed 11000 pound weight of light-coloured Silks for divers Silkmen into falſe and corrupt Dyes, whereby the Silks were made heavier by about three ounces in a pound, and much worſe than they would have been, if truly dyed; and dyed 40 pound weight of Raw Silks for himſelf into like corrupt Colours, and ſold it to one, who ſold it again for good and true-dyed Silks. *William Andrews*, being alſo a Silk-dyer, dyed 10000 pound weight of Silks into ſuch corrupt light colours for his Cuſtomers, and 2000 pound weight of his own Silk, and ſoaked the ſaid Silks in Gauls to make them heavy, and corrupt them, and bargained with his Cuſtomers to dye them ſo corruptly, and had greater allowance for it than he ſhould, if they had been truly dyed. And *Henry Wright*, being alſo a Dyer, dyed 100 pound weight of light black Silk corruptly by uſing Slip and Alder-bark, whereby the weight of the Silk was much increaſed, and made leſs ſerviceable: And for theſe Deceits they were committed to the *Fleet*,

Attorn. Regis verſus Yeomans *& al.* Falſe and corrupt dying of Silks. *Trin.* 6 Car. *Attor. Regis verſ.* Hall *& al.* The Procurers of Silk to be corruptly dyed puniſhed.

fined 500 Marks apiece, and before their Enlargement to enter Bond with good Sureties never to offend in the like kind hereafter.

Morgan *Knight verſus* Morgan *& al.*

Riot.

The Defendants, being all Armed, Riotouſly aſſaulted, and grievouſly wounded the Plaintiffs Son in the Town of *Abergavenny*, and had murdred him, if they had not been prevented by the Officers of the Town: And for this they were committed to the *Fleet*, and two of them fined 50 *l.* apiece.

Shirley *Bar. verſus* Chetwin, *Eſquire.*

Single Battery on a Juſtice of Peace.

There having been long diſcontent between the Plaintiff and the Defendant, the Defendant, armed with a Truncheon of about a yard long, went out of the Highway into one of the Plaintiffs Grounds, where the Plaintiff, being a Juſtice of Peace, was walking alone, and did there aſſault, and beat, and grievouſly wound the Plaintiff. And for this ſingle Battery, being upon the perſon of a Juſtice of Peace, the Defendant was held worthy the Cenſure of the Court, and therefore Committed to the *Fleet*, fined 200 *l.* bound to his good Behaviour during life, pay the Plaintiff 500 Marks damage, and make an acknowledgment to the Plaintiff in writing, and therein deſire his pardon, and pronounce the ſame acknowledgment at the Aſſizes, and there ask the Plaintiff forgiveneſs.

Still *Cler. verſus* Owen *Gent.*

Single Battery on a Bailiff for doing his duty.

Reviling a Juſtice of Peace.

The Defendant about *Midſummer* Eve 4 *Car.* did ſeveral times kick and ſtrike one *Everet*, being a Bailiff, and with a Staff ſtruck him a blow on the ear, that he was amazed, and bled much; for that the ſaid Bailiff, according to a Warrant to him directed by the Sheriff, had ſummoned him to ſerve of a Jury at the Quarter-Seſſions, where he was Amerced for non-appearance; and the Plaintiff being informed thereof by the Bailiff, and of divers Threats uſed by the Defendant, made a Warrant to apprehend the Defendant, and the Defendant taking notice thereof, came to the Plaintiffs houſe, and asked the Plaintiff how he durſt grant a Warrant out againſt him, told the Plaintiff he lied, called him Knave, and Raſcal-Knave, and ſaid he cared not a fart for him, and that he was as good a man as the Plantiff; and the Plaintiff for his abuſe of the Bailiff, and his uncivil carriage, then requiring him to find Sureties, before he departed, for his good Behaviour, he flouriſhed his Staff over his head, and contemptuouſly ſaid he would not find Sureties, and would ſee who durſt ſtay him, and ſo departed. And for theſe offences he was committed to the *Fleet*, fined 400 *l.* bound to the good behaviour five years, make his acknowledgment at the Aſſizes, and pay the Plaintiff 100 *l.* damage, and his ſcandalous Anſwer in this Court to be taken from the File.

100 *l.* damage.

Hillar. 5 Car.

Attorn. Regis per Rel. Phillips *Knight & al. verſus* Strowel *Knight* Affront of a High Sheriff, at an Election of Knights of the Shire.

THe Defendant, for affronting the High Sheriff at an Election of Knights of the Shire, and for repreſſing one of the ſaid Sheriffs Bailiffs, out of Malice, after he was ſent home by a lawful Paſs, and ſending him away again to ſerve as a Souldier, by colour of his Office of Deputy-Lieutenant; and for uſing provoking and uncivil Speeches of Sir *Robert Philips* on the Bench, the Juſtices ſitting, ſaying, He wondred

wondred Sir *Robert* would make ſuch a Certificate, for that it was a Lye, a baſe Lye, and a falſe Lye, and he would maintain it to be a Lye with the beſt bloud in his body, and that as good a man as Sir *Robert Philips*, or a better, would maintain it to be a Lye, was committed to the *Fleet*, and fined 200 *l.*

Hill. 5 Car. Giving the Lye on the Bench, the Juſtices ſitting.

The Defendants out of malice to the Plaintiff for that he had cauſed one *Jemmet*, an unconformable Miniſter, to be put from being Lecturer of their Pariſh, raiſed a fame, that the Plaintiff had Raviſhed, or attempted to Raviſh a Woman of *Sandford*, where the Plaintiff had formerly dwelt; and ſome of the Defendants were ſent by the reſt to *Sandford* to enquire out matter againſt him, and there meeting with a diſcontented woman, who told them (out of ſome diſpleaſure) that the Plaintiff had attempted her Chaſtity; the Defendant *Yates* telling her the Plaintiff did oppoſe the good people of *Leachlad*, and that they, for Conſcience ſake, deſired Matter to turn him out of his Living; told her ſhe might drink 10 *l.* if ſhe would juſtifie the Accuſation, and then gave her two ſhillings, and after came to her again, and told her the attempt of a Rape would not ſerve to turn the Plaintiff out of his Living, and therefore told her, if ſhe would teſtifie ſome Act done by him, ſhe ſhould be liberally rewarded by the Defendants *Eyres* and *Gearing*, and if ſhe would teſtifie a Rape it ſhould be worth her 40 *l.* and then gave her five ſhillings, and told her Maid, that if ſhe would teſtifie a Rape, ſhe ſhould be as well paid as her Miſtris; and ſeveral Sums were given and promiſed to him that went about to enquire out Matter againſt the Plaintiff. And at laſt by perſuaſions, promiſes of Reward, and Solicitations, they procured *Yates* and *Brown* to conſent, to accuſe the Plaintiff of a Rape, and to go to *London* to make good the Accuſation before the Lord Chief Juſtice, and gave *Brown* twenty ſhillings in hand, and to incenſe her, told her the Plaintiff had ſpoken very ill of her, and by this means got her to *London* to accuſe the Plaintiff; but her Husband, then coming to the knowledge thereof, diſſuaded her, and thereupon their practice took no effect. And for this foul practice and Conſpiracy to deprive the Plaintiff of his Benefice, and Life, they were all committed to the *Fleet*, fined 500 *l.* apiece, bound to their good Behaviours; *Yates* ſet on the Pillory, at the next Market-Town to *Leachlad*, and the Decree to be there read; all of them to acknowledge their offence, and ask the Plaintiff forgiveneſs in his Pariſh-Church, and pay him 200 *l.* damage. The Lady *Laurence*, and two more not ſentenced, but left with a ſevere Reprehenſion, and Admonition; aud the Lady *Laurence*, for turning up the back parts of a Child at the Font, when the Plaintiff would, and ſhould have ſigned it with the Sign of the Croſs, which was proved, but not charged by the Bill, was recommended to the High-Commiſſion Court.

Phips *cler.* *verſus* Eyres *& al.*

Conſpiracy to accuſe a Miniſter of a Rape.

200 *l.* damage.

The Defendant being High Sheriff of the County of *Wilts*, and having taken his Oath for the due execution of that Place (part of which Oath was, that he would, in his own perſon, remain within his Bailiwick, during the time of his Sheriffswick, unleſs he had the King's Licence to the contrary) did, notwithſtanding, being Elected a Citizen for the City of *Bathe*, to ſerve in the Parliament, held 3 *Car.* attend that Parliament, and reſide in, and about the Cities of *London* and *Weſtminſter*, and for this was committed to the *Tower*, during his

Attorn. Regis *verſus* Long *Armig. a High Sheriff.*

Reſiding out of his County without Licence, contrary to his Oath

Majeſties pleaſure; Fined two thouſand Marks, and before his enlargement to make an humble ſubmiſſion and acknowledgment of his Offence in this Court, and to His Majeſty.

Attorn. Regis *ver.* Hoſkings *& al.*

His Majeſty having diſaforeſted his Foreſt of *Gillingham* in *Com. Dorſet*, alloted ſeveral equal ſhares to all the Borderers and Commoners, and made Sir *James Fullerton* Knight, Farmer of his part thereof, who Incloſed, Railed and Fenced the ſame; the Defendants by an agreement among themſelves, did at divers times, by day and night, ſometimes a hundred in a Company, ſomtimes more, and ſomtimes fewer, all Armed, and moſt of them in ſundry ſorts diſguiſed, in a Riotous and Rebellious manner throw down, and fill up the Ditches and Fences thereabout, three miles in length, and bound themſelves by Oaths to be true one to the other, and not to reveal one another, and to reſiſt ſuch as ſhould endeavour to apprehend any of them, and to Reſcue thoſe apprehended; burnt the Plants, ſawed in ſunder the Rails and Poſts, buried them in the ground, and in triumph, when the Plants were burning, ſhot off their Guns and Piſtols, threatned to kill the Workmen, and burn their Houſes, if they came any more to Work there, and beat down part of their Houſes, and cut down their Fruit-Trees, and did Aſſault, and beat two of His Majeſties Meſſengers, who had apprehended ſome of the Rioters, and Reſcued their Priſoners from them. And for theſe Offences thirty of them were Fined 200 *l.* apiece, and bound to their Good Behaviour two years; thirty five Fined 100 *l.* apiece, and bound to their Good Behaviour two years, and nine others Fined 40 *l.* apiece, and all of them Committed to the *Fleet*, and to pay 200 *l.* damage to Sir *James Fullerton*, and the Reſcuers and Reſcued to pay 30 *l.* apiece damage to the Meſſengers, and the Decree to be Read at the Aſſizes for *Dorſet*, *Wilts*, and *Somerſet*, and then the Defendants *Hoskins* the Collonel, *Alford* the Captain, *Cave* the Lieutenant, and *Miller* the Corporal of the Rebellious Troop to be ſet in the Pillory, with Papers on their Heads declaring their Offence.

Riotous deſtroying the Incloſures in the Foreſt of *Gillingham*.

Two hundred pound damage. Thirty pound damage apiece to the Meſſengers no parties to the Suit.

Paſ. 6 Car. *& Trin.* 6 Car.

Woodmongers London, *ver.* Wharfingers and Carmen London.

FOur hundred Cars only to be uſed within the City of *London*, and the Liberties and places adjacent; namely *Southwark*, St. *Katharines*, and the *Strand*, and all perſons within thoſe Liberties reſtrained from working any Cars, not being of that number allowed by the Company of *Woodmongers*.

Orders regulating the Company of Woodmongers.

A convenient number of thoſe Cars to be diſtributed to the Wharfs in *Southwark*, St: *Katharines*, and the *Strand*, as time will permit by the death of the preſent Owners.

And to the end prizes of Fuel may not be enhanced, nor the Owners of Wharfs that want Cars, too much prejudiced in the mean time; the *Woodmongers* are to allow to the Wharfingers in the ſaid places adjacent, till Car-Rooms fall by death, an indifferent number of Cars for 12 *d.* a week, each Car, until they may be freely diſtributed.

The

Tri. 6 Car.

Attorn. Regis & *Dominus* Powis Plaintiffs *verſus* Vaughan *Arm.* & *al.*

Attorn. Regis *verſus* Dr. Leighton *ſuper confeſſ.* Libel againſt His Majeſty, the Peers, Biſhops and Prelates.

The Deed complained of to be Forged was left as a ſuſpected Deed, and therefore referred to a Trial at Law for the Validity thereof, and all the Defendants in both Cauſes diſmiſſed.

The Defendant being a *Romiſh* Catholick, framed and contrived a Seditious Book againſt his Majeſty, the Peers, Biſhops and Prelates of this Kingdom, Intituled (*An Appeal to the Parliament or Sions Plea againſt the Prelacy*) and cauſed about five or ſix hundred of them to be Printed, wherein were contained theſe Traiterous, Falſe, Libellous and Seditious Aſſertions and Poſitions following. 1. That we do not read of greater Perſecutions, higher Indignity done upon Gods people in any Nation profeſſing the Goſpel, than in this our Iſland. 2. He terms our Prelates Men of Blood, and Enemies to God and the State. 3. He ſaith it is the Main and Maſter-ſin, the Eſtabliſhing and Maintaining of Biſhops within this Realm, and that Miniſters ſhould have Voices in Councils, both Deliberative and Deciſive. 4. That the Prelacy of our Church is Antichriſtian and Satanical, and the Biſhops Ravens and Pye-Maggots that Prey upon the State. 5. That the Canons of our Church made 1603. are Non-Sence-Canons. 6. He Condemns the Religious and Devout Ceremony of Kneeling in receiving the Sacrament, alledging, that the Suggeſtion of falſe fears to the King by the Prelacy, and the ſeeking of their own unlawful ſtanding brought forth that received Spawn of the Beaſt, Kneeling, *&c.* 7. He ſaith the Prelates Corrupt the King, Foreſtalling His Judgment againſt God and Goodneſs. 8. He calls our Queen the Daughter of *Heth.* 9. He impiouſly commends him that killed Duke of *Buckingham*, and encourages others to do the like. 10. He Scandals the King and Kingdom, ſaying, All that paſs by us ſpoil us, and we ſpoil all that rely upon us, which being too well known, makes us odious to the world. 11. That no King may make Laws in the Houſe of God; for if they might, then the Scriptures ſhould be imperfect. Laſtly, He adviſeth all to conſider then what a pitty it is, and an indeleble diſhonour it will be to the State Repreſentative, that ſo Ingenuous and Tractable a King ſhould be ſo monſtrouſly abuſed by the Bane of Princes, to the undoing of himſelf and his ſubjects, and for this he was Committed to the *Fleet*, during life, unleſs the King enlarge him; Fined 10000 *l.* referred to the High-Commiſſion-Court to be degraded of His Miniſtry, and then to be whipped at the Pillory at *Weſtminſter*, and ſtanding on the Pillory to loſe one of his Ears, his Noſe ſlit, and his Face Branded with a double *S.* and in like ſort to be whipped and loſe his other Ear at the Pillory in *Cheapſide*.

Mich. 6 Car.

Attor. Regis verſus Norton *& al.*

THE Defendant *Bonham Norton* having a Cauſe depending in the Court of Chancery before the Right Honourable *Thomas* Lord *Coventry*, Lord Keeper of the Great Seal, endeavoured to have faſtned a Bribe upon his Lordſhip, and thereby to have procured his favour in the ſaid Cauſe; but being diſappointed therein, and the Cauſe coming to be heard upon his Petition, and not ſucceeding as he expected, the

Scandal of the Lord *Coventry*, Lord Keeper of the Great Seal.

the ſaid Defendant raiſed and divulged Rumours of ſuppoſed unjuſt proceedings by his Lordſhip in that Cauſe; and to give colour to the Scandals did, of his own head contrive, and put in Writing divers falſe and feigned Notes, Intituled Memorials, whereby he pretended he received private Informations from the Defendants *Lee*, and *May* of the Sum of 600 *l.* and of other ſeveral great Sums of Money ſuppoſed to be given to the Lord Keeper, for favour to be done to the Defendants in Chancery; with other paſſages how, and by whom that Favour was compaſſed; and he, and the other Defendants publiſhed the ſaid Notes and Memorials, and out of them drew Caſes in Letters, whereby they Traduced the Lord Keeper, calling him by the Name of Sir *J. K.* and terming him the *Unjuſt Judge*, and the Decree made by him an *Unjuſt Judgment*, and carried thoſe Notes to Council, and thereby framed a Falſe and Scandalous Petition to his Majeſty againſt the Lord Keeper, therein taxing him with Injuſtice and Corruption; and the Defendants cauſed the ſame to be preſented to his Majeſty, and publiſhed the ſaid Scandals in divers parts of the Kindgom; and the Defendants *May* and *Lee* had ſeveral Rewards from *Norton* for raiſing theſe Falſe Reports. And for theſe Foul Scandals and Aſperſions, *Bonham Norton*, the Principal Offender, was fined 3000 *l.* to acknowledge at the Chancery-Bar, with a Paper on his head declaring his offence, that the Decree of that Court betwixt him and *Barker* was juſt and agreeable to the Rules of Equity, and a good Conſcience; and then humbly acknowledge his Offence, and ask his Majeſty and the Lord Keeper forgiveneſs; and to make the like acknowledgment and ſubmiſſion in this Court, and at the Aſſizes at *Salop*, where the Decree ſhall be read. *Lee* and *May*, his Agents and Inſtruments in raiſing and publiſhing the Scandals and Memorials, committed, and fined 1000 *l.* apiece; and to ride to *Weſtminſter* from the *Fleet* with their Faces to the Horſe-tail; and at the Chancery-Bar, and in this Court, with Paper on their heads declaring their Offence, and acknowledge their Offence, and ask Forgiveneſs, and then be ſet on the Pillory with one Ear nailed to it, while the Courts ſit; and another day to ride into *Cheapſide* in ſuch manner as before, and be there ſet on the Pillory, with their other Ear nailed, and be carried to Priſon, there to remain during Life. *John Norton*, for contriving the Caſes, and Petitioning to the King, and publiſhing the Scandals, committed, fined 1000 *l.* and ask forgiveneſs at this Bar. *Diggs*, *Winſton*, and *Harper*, Publiſhers of the Scandals, fined 100 *l.* apiece, committed, and ask Forgiveneſs at this Bar. *Hingate*, for his malicious publication of the Scandals, committed, fined 1000 *l.* and ask forgiveneſs, *ut ante*: And *Smith*, for publiſhing the Scandals, joyning with *Norton* to faſten the Bribe on the Lord Keeper, committed, till he make his acknowledgment, ſubmiſſion, and ask forgiveneſs in this Court, and fined 1000 *l.* Serjeant *Aſhley* reproved, and not to practiſe before the Lord Keeper, until he had privately ſubmitted unto him. *Lowns* left with a *Non Liquet*, and the Defendants fined to pay the Lord Keeper 3000 *l.* Damages.

3000 *l.* Dam.

Attorn. Regis ver. Sampſon. Corrupt Dying of Silk.

The Defendant, being a Silk-Dyer in *London*, uſed Slip and Alder-bark in the dying of black Silks, and kept them in ſteep much longer than they ſhould, being truly dyed, and by that corrupt means made the ſaid Silks rotten, and much heavier than otherwiſe they would have been, and leſs ſerviceable. And the Wardens of the Company, aſſiſted with

with a Conſtable, and other Officers, by vertue of their Charter, and a Warrant from the Lords of the Council, coming to ſearch the Defendants houſe for ſuch corrupt died Silks, and finding ſome, endeavoured to ſeize them, to the end to make trial of them; the Defendant, in contempt of the Warrant, took up a Halbert, and aſſaulted the Wardens, Conſtables, and Officers, forced the Silk from them, and drave them out of Doors; and for theſe Offences was committed to the *Fleet*, fined 100 *l.* and to make an acknowledgment of his offence, and ſubmit himſelf to the Wardens at the Dyers Hall.

Mic. 6 Car.

Reſiſtance of the Lords of the Councils Warrant.

The Defendant, out of malice to the Plaintiff, did, in the preſence of divers Gentlemen of good Rank, flouriſh his Truncheon over his head, and in diſgrace of the Plaintiff, whom he then knew to be a Juſtice of of the Peace, ſay with a loud voice; that the King had done great wrong to make the Plaintiff a Juſtice of the Peace, and him the Defendant no Juſtice, for he was more worthy than the Plaintiff; and that the Plaintiff was a baſe Knight, and a Stinkard; and for this was committed to the *Fleet*, fined 100 *l.* and to acknowledge his Offence, and ſubmit himſelf to the Plaintiff at the Aſſizes, the Judges ſitting.

South *Knight a Juſtice of Peace, verſus* Ward *Cler.*

Baſe Knight and Stinkard.

The Defendants, out of the malice to the Plaintiff did conſpire together to accuſe and Indict him for ſuppoſed ſtealing of ſeveral petty things, which were long before delivered by themſelves unto him, and left with him in keeping: And accordingly did prefer two ſeveral Indictments againſt him for the ſaid things; whereupon the Jury returned *Ignoramus*; and by like Conſpiracy and Agreement they preferred another Indictment againſt him in his abſence at the Quarter Seſſions for ſtealing a Ring, a Silver Spoon, and twelve pence in money, (which in truth were long before given him by *Jane Hemingway*, one of the Defendants) yet upon her evidence of the Felony, the Jury returned *Billa vera*, and thereupon he was by them at the next Quarter-Seſſions Arraigned and Tried for his life, yet Acquitted, notwithſtanding their malicious Proſecution. And for this they were all committed to the *Fleet*, one fined 100 *l.* another 100 Marks, and their Wives 50 *l.* apiece; all bound to their good Behaviour, and diſabled ever after to be Witneſſes in any Court whatſoever, and pay the Plaintiff 100 *l.* damage.

Bacon *verſus* Boulton *& al.*

Conſpiracy falſely to accuſe and Indict the Plaintiff of Felony.

100 *l.* damage.

The Defendant being diſcontented at ſeveral Reports made by Sir *Euble Thelwall* Kt. one of the Maſters of the Chancery, contrived a Libellous Writing in the nature of a Petition, containing, that Sir *Euble* had made a falſe Report in his Cauſe againſt one *Hughs & al.* and that he was not an Indifferent perſon in the Cauſe; and to this Petition annexed a Schedule of Exceptions, containing, that Sir *Euble* had made two falſe Reports againſt him; that he was become his perſecutor by indirect means for laying down of Truth under his hands, and that he did challenge property in part of the Lands in queſtion; and cauſed this Petition to be written by a Scrivener, and then delivered to the Maſter of the Rolls, deſiring the Reference to be transferred: And by another Writing, which he cauſed a Scrivener to write, and then delivered it to Sir *Euble* himſelf, he falſely charged him with ordering things not referred, making of falſe Reports in two Cauſes without Warrant, Cauſe, or Colour, and that he was become a Party againſt him, and therefore required him to medle no farther in his Buſineſs. And for this the Defendant was committed to

Attorn. Regis verſus Jones.

Slander of a matter of the Chancery, Sir *Euble Thelwall.*

to the *Fleet*, and Fined 200 *l.* and to acknowledg his Offence at the Chancery-Bar, and at the Court of Great Seſſions for the County of *Denbigh*, and the Decree to be then Read.

But no damage to Sir *Euble*, becauſe he died before the Sentence.

Attornat. Regis Rel. Sir *Edward Powel* Knight and Baronet *ver.* Vanlore *Bart. & al.* Practice to get away a Bond to the prejudice of an Executrix.

The Defendant by practice with *Love* and his Wife, two of the Servants of Dame *Jacoba Vanlore*, his Mother Executrix of the Will of Sir *Peter Vanlore*, his Father Deceaſed, and for Bribes and Rewards to them given and promiſed, got into his hands a Bond of 16000 *l.* being the Goods of his Deceaſed Father, and belonging to his Mother, as Executrix, and then went to Sir *Sackville Crow*, one of the Obligors, and told him there were Suits like to grow between him the ſaid Defendant, and his ſaid Mother; and that if he would procure the Duke of *Buckingham*, for whoſe Debt the ſaid Bond was entred into, to aſſiſt him the Defendant to overthrow the Will of his Father, he would deliver up the Bond into the Dukes hands; and one of the Defendants being Arreſted at the Lady *Vanlores* Suit; four other of the Defendants, Armed with ſeveral ſorts of Weapons, Riotouſly Reſcued him, and beat and hurt the Bailiff that made the Arreſt, and conceiving that one *Bilmore*, the Lady *Vanlores* Servant accompanied the Bailiff to ſhew him the party to be Arreſted, they lay in Ambuſh for him, and at his coming Riotouſly beat him with their Staves, and brake one of his Arms. And the Defendant Sir *Peter Vanlore* endeavouring to fruſtrate a Conveyance made by his Father, and to keep his Mother from the Poſſeſſion of the Parſonages and Rectories of *Compton* and *Beenham*, did procure the other Defendants at ſeveral times, to go Armed in warlike manner into the Fields, and to take away ſeveral parcels of Corn, of ſeveral ſorts, belonging to the ſaid Lady *Vanlore*; ſome before it was Tithed, and ſome after; which the other Defendants by his Abetment performed in very Inſolent and Riotous manner, and threatned that if any came to reſiſt them they ſhould be ſoundly beaten; and for theſe Offences Sir *Peter Vanlore* was Committed to the *Fleet*, and Fined one thouſand Marks for his practice to procure the Bond, and five hundred Marks for procuring and maintaining the Riots, and pay the Lady *Vanlore* 11000 *l.* damage, unleſs he did by the firſt day of the next Term deliver her up the ſaid Bond of 16000 *l.* undefaced and uncancelled; and *Love* for his Treachery and Infidelity to his Lady, in delivering up the ſaid Bond was Committed and Fined 200 *l.* the Reſcuers and Reſcued, Fined a hundred Marks apiece, and the ſix Rioters 50 *l.* apiece, and all Committed to the *Fleet*; and Sir *Peter Vanlore* to pay the Fines of ſo many of the Rioters as are not able to pay it themſelves: and Sir *Peter* to make an acknowledgment, and ask Sir *Edward Powel* forgiveneſs; for ſaying Sir *Edward Powel* was a Fellow would ſay, or ſwear, any thing, which words were proved, but not Charged by the Information. *Quod Nota.*

Riotous Reſcue.

Riotous carrying away of Tithed-Corn.

Submiſſion for words not complained of.

Attornat. Regis *ore tenus ver.* Levingſtone *& al.* Practice to procure the Eſcape of a Priſoner out of the *Fleet*.

The Defendants practiſing with one *Leighton*, a notable Offender to procure his Eſcape out of the *Fleet*; *Levingſton* put off his Cloak, Hat and Breeches, being all of a Gray colour, and *Anderſon* his Doublet, and *Leighton* put them on, and in that Diſguiſe they all went out of the *Fleet* unſuſpected; but he was afterward taken again. And for theſe Offences, in reſpect of their Penitence, they were only Fined 500 *l.*

500 *l.* apiece, and Committed to the *Fleet* during His Majeſties plea ſure. *Hill.*6 Car.

Hill. 6 Car.

THE Defendant being a Popiſh Recuſant, and being Convented before Sir *John Bridgeman*, and Sir *Marmaduke Lloyd* Knights, Juſtices for the County Palatine of *Cheſter*, and County of *Flint*, and Accuſed to them to be a Popiſh Prieſt, was required to take the Oath of Allegiance, which he refuſing in open Court, he was Indicted and Attainted in a *Premunire*, and committed to Gaol. And thereupon, in revenge, he wrote a Libellous and Scandalous Letter to the ſaid Juſtices, taxing them with injuſtice; and after framed another Libellous Writing, which he intituled, *The ſtate of Flintſhire*, and therein Traiterouſly alleaged his Majeſty to be depoſed, the Authority of his Privy Council abrogated, the Biſhop of *Chalcedon* made King, the Inhabitants of *Flintſhire* his Slaves, and Sir *John* and Sir *Marmaduke* his Juſtices; and after contrived another Writing more Libellous unto them; and cauſed it to be delivered to the High Sheriff in open Court, wherein he termed the ſaid two Juſtices Traitors to the Kings Crown, and the State of the Common-wealth; and ſaith, they are Favourers and Furtherers of the ſaid Biſhop of *Chalcedon*. And for this he was committed to the *Fleet*, during his life, fined 1000 Marks, and be ſet on the Pillory at *Weſtminſter*, and at the Aſſizes for *Flintſhire*, with one Ear nailed at each place, and a Paper on his head declaring his offence, and there ſhew himſelf heartily ſorry and penitent.

Attorn. Regis ore tenus verſus Morgan.

Slander of the two Juſtices in the County of *Flintſhire.*

The Defendant *Tires* being Clerk to the Under-Sheriff of the County of *Lincoln*, and hearing that a Writ of *Fieri Facias* was ſued forth on the behalf of the Lady *Dymock* againſt the Plaintiff upon a Judgment of 200 *l.* directed to the ſaid Sheriff, did before any Writ delivered, and againſt the Will of the ſaid Lady, and her Solicitor, make a Warrant without Warrant upon the ſaid Writ directed to himſelf and the other Defendant *Winter*, one of the Sheriffs ſworn Bailiffs; and out of a greedy diſpoſition to gain to himſelf the benefit of the ſaid Execution, he, and the Defendant *Winter*, with others Armed, by colour of that Unlawful Warrant, went to the Plaintiff's Houſe, brake open the Stable door, and therehence, and out of the Yard drove away two Geldings, and nine young Beaſts of the Plaintiffs. And for this *Tires* and *Winter* were committed to the *Fleet*, fined 40 *l.* apiece, and to pay 50 *l.* damage to the Plaintiff.

Bincks *verſus* Beeſton *& al.*

Riotous taking away of Cattel by colour of a falſe Warrant.

50 *l.* damage.

The Defendants, contrary to his Majeſties Proclamation, prohibiting the Counterfeiting of Farthing-Tokens, or the making of any Engines wherewith they might be Counterfeited, being Confederates together, did, at ſeveral times, and ſeveral places make, and counterfeit great quantities of Farthings, like the Farthings allowed by his Majeſty, and made by his Patentees, and vented the ſaid counterfeit Farthings to ſeveral perſons at 24 *s.* 25 *s.* and 26 *s.* in Farthings for 20 *s.* in Current Money; and *Tailor* made the Stamps, and Rolls wherewith thoſe Farthings were made. And for theſe offences, in Contempt of the

Attor. Regis ore tenus verſus Taylor *and* Stephenſon.

Counterfeiting of Farthing-Tokens.

King's Proclamation, and to the abuſe and prejudice of the King's People and Patentees, they were committed to the *Fleet*, bound to their good Behaviours during Life: *Taylor* fined 1000 *l.* and *Stephenſon* 500 *l.* and both of them to be ſet on the Pillory with Papers on their Heads, declaring the nature of their offences, at *Weſtminſter*, *Cheapſide*, *York*, *Rippon*, *Biſhops Awkland*, *Newcaſtle*, and *Durham*, and there the Decree to be publickly read.

Monk *verſus* Blackburn *& al.*

The Defendant *Dorothy Blackburn*, out of malice to the Plaintiff, for that he had cauſed her Husband to be Arreſted for Debt, Intercepted two of his Letters, and one Letter from his Attorney to him, and in his two Letters procured the other Defendants to inſert Treaſonable words, and Scandalous matter againſt the Lord *Gray*, and cunningly drop'd one of thoſe Letters in a Market-Town, ſo as it might come to her hands again, and then carried them to the ſaid Lord *Gray* (to the end to take away the Plaintiff's Life) who thereupon ſent his Warrant for him, and committed him (after Examination) to Priſon, and after ſent him to the Lords of the Council, who committed him firſt to the *Gatehouſe*, and then to the *Tower* to be Rack'd. And for this wicked Conſpiracy ſhe was committed, during his Majeſties pleaſure, bound to her good Behaviour during Life, and if ever his Majeſty enlarge her, diſabled ever to be a Witneſs in any Cauſe whatſoever, and be well whipt in the *Palace-yard* at *Weſtminſter*, ſtanding on a high place with a Paper on her head declaring her offence, and be branded in the face with the Letters *F* and *A*, ſignifying a Falſe Accuſer, and to ſtand in like ſort, and be whipt at *Leiceſter*. *Skellet*, her Agent, in carrying, and intercepting the Letters, committed, fined 100 *l.* and bound to his good behaviour: And *Betſon*, the Counterfeiter of the Letters, committed, fined 500 Marks, bound to his good Behaviour, diſabled ever to be a Witneſs in any Cauſe hereafter, and to ſtand on the Pillory at *Weſtminſter*, with a Paper on his head declaring the nature of his offence, and all of them to pay 500 *l.* damage to the Plaintiff.

Conſpiracy to accuſe the Plaintiff of Treaſon.

500 *l.* damage.

Paſc. 7 Car.

Weſton *Kt. & al. verſus* Pargiter *Arm.*

THE Defendant was charged with the Publication of an Inſtrument, termed an *Innoteſcimus*, contrived, and obtained by undue practice, bearing Teſt in *February* 16 *Eliz.* under the Great Seal, containing an Indenture pretended to be dated 9 *Eliz.* and made between *Jo. Vaughan* Eſquire, Dame *Ann Knevet*, and *Thomas Knevet* on the one part, and *Edward*, then Lord *Windſor*, on the other part, of the Mannor of *Great-worth* in *Northamptonſhire*, and other Lands, and for juſtifying that *Innoteſcimus* to be a true and lawful Inſtrument, and a true Teſtimony of the Deed contained therein; but upon the Hearing the Defendant was cleared *à Pœna*, *& Culpa*; yet for that it did appear that this Inſtrument was not Inroll'd in the Rolls, as it ought to have been; and for that this Inſtrument differs in Form from all other like Inſtruments of *Innoteſcimus*, the Deed exemplified being Teſtified in this manner: *Cujus Tenor, ut dicitur, ſequitur in hæc verba*; the words, *ut dicitur*, in all other ſuch Inſtruments preceding the words, *Cujus Tenor*, ſo as this doth not import any certain Affirmation, or Teſtimony of the Deed to be then ſeen, but

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is rather a Teſtimony of a Report only of ſuch a Deed; and for that no Warrant can be found, or is produced from the Lord Chancellor, Lord Keeper, or Maſter of the Rolls for the Paſſing thereof, nor any accompt made for the ſame in the Hanaper; the Court adjudged the *Innoteſcimus* worthy of no Credit, and fit to be damn'd, and made void: and therefore did Decree, that neither the Defendant, nor any claiming under him, ſhould ever give the ſame in Evidence; but would not abſolutely damn it, becauſe it was alſo the Evidence of a third perſon, no party to this Suit; and left the final damage thereof, till the other be made a party.

Paſ. 7 Car.

An *Innoteſcimus* made void, yet the Defendant acquitted.

The Defendant being diſcontented, as it ſhould ſeem, at the Plaintiff about matter of Preſentments delivered in by the Church-wardens of his Pariſh, told the Plaintiff he had been too preciſe in examining the Church-wardens touching his, the ſaid Sir *Williams* not coming to Church, and that it was Ungentleman-like-dealing; and the Plaintiff anſwering him, that he was too credulous of the Speeches of the Church-wardens, concerning him the ſaid Complainant, and did therein wrong him; the Defendant Sir *William* thereupon gave the Plaintiff the Lye, and he returning it in his throat, the ſaid Defendant drew his Sword, and ſtrook the Plaintiff twice therewith, being then a Juſtice of the Peace: and the Defendant *Mercer* framed and publiſhed two Scurrilous and Infamous Libels againſt the Plaintiff, his Wife and Daughter: and *Bryers* alſo publiſhed one of the Libels at ſeveral times and places; and for theſe Offences *Mercer* was Committed to the *Fleet*, Fined 1000 *l.* bound to his Good Behaviour, during life, and diſabled ever to practiſe, as Attorney, in any Court, and if he were then an Attorney to be thrown over the Bar; and to ſtand on the Pillory at *Weſtminſter*, and at *Lancaſter*-Aſſizes with a Paper on his head declaring his Offence, and then to make an acknowledgment, and ask the Plaintiff forgiveneſs: *Bryers* Committed, and Fined 200 *l.* and Sir *William Norris* Committed, Fined 1000 *l.* and to pay the Plaintiff 50 *l.* damage, *Mercer* to pay 100 *l.* damage, and *Bryers* 20 *l.* damage to the Plaintiff, and in caſe *Mercer* be not able to pay his 100 *l.* then *Bryers* to pay that, and be freed of the 20 *l.* and the Decree to be Read at the Aſſizes at *Lancaſter*.

Moor *Arm. ver.* Norris Knight *& al.*

Aſſaulting and giving the lye to a Juſtice of the Peace. Libels againſt a Juſtice of Peace.

Fifty pound 100 *l.* and 20 *l.* damage.

The Defendant the morning before he went to the Seſſions, being a Juſtice of the Peace, received Scandalous and Libellous Articles againſt the Plaintiff, carried them to the Seſſions in his Pocket, and in open Court, in diſgrace of the Plaintiff, pulled them out, and ſaid, You ſhall ſee what a Lewd Fellow this is, and not fit to ſpeak in this place; and then cauſed the ſaid Libellous Articles to be Read in the Publick Seſſions, and the Plaintiff then deſiring a Copy of them, and to be Tryed upon them, the Witneſſes to prove them being noted in the Margin, the Defendant did not ſuffer him to have a Copy, or to be Tried thereupon, nor took any Courſe, that he might at the next Seſſions, or at any time after be queſtioned for them, but took the Articles again out of the Seſſions, and carried them away; and after farther to diſgrace the Plaintiff in his Practice, (being an Attorney,) ſent the ſaid Articles to Mr. Juſtice *Harvey*, at the Reference of a Cauſe to him, which *Caſton* attended; and a Jury having given a Verdict againſt the Defendant, he ſent for the Jurors, and queſtioned them about their Verdict, and told them they were

Caſton *Gent. ver.* Hitcham *Mil. ſervient. ad Legem.* Undue publiſhing of Libellous Articles againſt the Plaintiff.

Reviling Jurors for giving a Verdict according to their Conſcience. Nota.

a Company of Fools, and that if there had been but one wiſe man among them, their Verdict had not been ſo: and for theſe Offences he was Committed to the *Fleet*, and Fined 200 *l.*

In this Decree the getting of Jurors hands to a Note, to Impeach a Verdict, was held to be an Offence here puniſhable.

In this Cauſe the Defendant would have had Witneſſes to prove the matters of the ſaid Scandalous Articles to be true, but that was diſallowed by the Court.

Attornat. Regis ver. Ewer *Arm.* Slander of the Earl of *Danby.*

The Defendant at ſeveral times, in ſeveral places, and to ſeveral perſons, did, in Scorn, Diſgrace, and Contempt of the Earl of *Danby*, uſe theſe words, *viz.* my Lord of *Danby*, my Lord of *Danturd*, he is a Baſe Cheating Lord, and a Cozening Lord, and a Baſe Fellow, and I care not ſo much for him as I do for a Fart of my Arſe; I am a better man than he; he hath Cozened the Country people in taking away their Common, ſo as he hath the dayly Curſes of thouſands: and for this he was Committed to the *Fleet*, during His Majeſties pleaſure, bound to his Good Behaviour, during life, Fined 1000 *l.* pay 1000 *l* damage, and at the Bar of this Court, and the Aſſizes at *Oxon* to acknowledg his Offence, and ask the ſaid Earl forgiveneſs.

One thouſand pound damage.

Faulkland *Dominus verſus* Savage *Mil. & al.*

One *Philip Buſhen* being Accuſed of High Treaſon within the Kingdom of *Ireland*, for murdering of his Wife, the Plaintiff being then Lord Deputy, required the Defendant *Welden*, being then High Sheriff of the County, to Sequeſter his Goods and Chattels into ſure hands, (an Appraiſement or Inventory thereof being firſt taken) until the ſaid *Buſhen* was Tried, which he did, but Appraiſed the Goods under value; and the Defendant Sir *Arthur Savage*, by colour of an agreement between him and *Welden*, poſſeſſed himſelf of *Buſhens* Caſtle; and the Plaintiff afterward, for good cauſe directing a Commiſſion under the Great Seal of *Ireland*, to Authorize certain Commiſſioners to Inquire of, Take and Seize all the Lands, Tenements, Goods, and Chattels of the ſaid *Buſhen*, being then Convicted of the ſaid Treaſon, and to Inquire of the Values of them, and to prohibit all other Officers to Intermeddle therein: The Defendant Sir *Arthur*, would not deliver the poſſeſſion of the ſaid Caſtle to the Commiſſioners, and *Welden* claiming the Goods as Eſcheats, and Perquiſites of his Office, refuſed alſo to deliver them, until a ſecond Commiſſion was Awarded by the Lord Deputy for that purpoſe; and then the ſaid *Welden* did not make a true delivery of the proper Goods of the ſaid *Buſhen*, but kept one hundred and twenty of *Buſhens* beſt Sheep, and delivered the like number of other Sheep; ſome Marked with his own Mark, and ſome with Sir *Arthur Savages* Mark, and ſome with *Clarks* Mark, and ſent twenty of his Sheep to Sir *Arthur Savage*, and kept, and ſent away divers of *Buſhens* Goods Unappraiſed, to his own uſe, and without any accompt to His Majeſty, and the Defendants being diſcontended that the Goods were taken from them, a Rumor was then raiſed, that *Buſhen* had Injuſtice and hard meaſure done him in his Trial by the practice of the Plaintiff, and the Lord *Sarsfield*, the Judg before whom he was Tried. And the Defendant *Buſhen* then falſly and malitiouſly reported, that Sir *Terence Dempſie*, one of the Commiſſioners ſhould be paid his Grand-Childs Wives Portion out of

Miſdemeanor in a Sheriff to the Defrauding His Majeſty.

Slander of the Lord Viſcount *Faulkland* Lord Deputy of *Ireland.*

Buſhens

Paſ. 7 Car.

Buſhens Eſtate, and produced a Paper falſly containing that the Plaintiff procured the Lord *Sarsfield* to go that Circuit on purpoſe, that *Buſhen* might be Convicted, and that the Plaintiff cauſed his Goods to be delivered to Sir *Terence Dempſie*, as part of the Plaintiffs Daughters Marriage-Portion. And after theſe Rumors and Reports were ſpread in *Ireland*, then *Buſhen* the Son came into *England*, and procured a Petition to be preſented to His Majeſty containing divers Grievances touching the Execution of the ſaid *Buſhen* his Father, and that not ſucceeding, he intended to preſent his ſaid Grievance to the Commons Houſe of Parliament then Aſſembled, but was diverted from that Courſe by Sir *Arthur Savage*; who adviſed him to alter the direction of his Petition, and to preſent it to the Duke of *Buckingham*, and ſubtilely to Traduce the Plaintiff and his Government: adviſed him to pray a Commiſſion to examin the ſuppoſed practice; which advice *Buſhen* purſued, and the Duke having received his Petition, acquainted Sir *Arthur* therewith, and asked his advice, who contrary to his own direction, and cunningly to entrap the Plaintiff, diſſuaded the Courſe of a Commiſſion, and perſuaded the Duke, in reſpect the Buſineſs was Foul, to write his Letter to the Plaintiff to cauſe ſome Relief to be given to *Buſhens* Wife and Children, and ſo to ſtop their Mouths, which if the Plaintiff had given way to, it would have argued him foully Guilty: and the Duke directing his Secretary to prepare a Letter to that purpoſe, Sir *Arthur* Dictated the ſame unto him, and then affirmed the Contents of the Petition to be true, though he knew them to be falſe: and the Letter being written, it was delivered to the Defendant *Buſhen* to give unto the Plaintiff, who undertook ſo to do, but never delivered it. Yet after the Dukes death he opened the Letter, and annexed it to another like Scandalous Petition, and preſented it to the Commons Houſe of Parliament where it was publickly divulged to the diſhonor of the Plaintiff; and Sir *Arthur* gave out Speeches, both in *England* and *Ireland*, that if ever the Plaintiff were queſtioned about the matter of *Buſhen*, he would be found faulty, and that he ſent the Lord *Sarsfield* that Circuit, only to Execute the ſaid *Buſlen*: and for theſe Offences *Welden* was Committed, and Fined 1000 *l.* *Savage* Knight Committed, Fined 2000 *l.* to the King, and 3000 *l.* damage to the Plaintiff; and *Buſlen* Committed, and Fined 500 *l.* and both he, and Sir *Arthur Savage* to acknowledg their Offences at the Bar of this Court, and ask the Plaintiff forgiveneſs: Sir *Arthur Savage* to make the like acknowledgment and ſubmiſſion at the Council-Board in *Ireland*, and *Buſlen* at *Kildare* Aſſizes in *Ireland*, and this Decree to be there Read, and then Recorded, and Entred among the Records and Entries of the Caſtle-Chamber in that Kingdom.

Three thouſand pound damage.

Trinit. 7 Car.

Cooper *Cler. & al. verſus* Crokey *& al.*

THere having long been Suits between the Defendants *Crokey* and *Wright*, and the Plaintiff *Smith* touching certain Lands belonging to the School of *Wootton Underedge* in the County of *Gloceſter*, and the ſame being at laſt Decreed in the Court of Chancery againſt the Defendants, and a Leaſe thereof granted by the School to the Plaintiff *Smith*; the Defendant *Crokey*, malitiouſly contrived and cauſed to be Printed a great number of Libellous Books, and many of them to be Exhibited to the

Contriving, Printing, and Publishing Libellous Bohks.

the Lords and others then assembled in Parliament, and others, to be published in divers other places; and the Defendant *Wright* also published many of them, which Book contained much matter Scandalous to the Plaintiff *Smith*, and to the Courts of Justice, where their Suits had depended: and for this Malitious Libel, the Defendants were both Committed to the *Fleet*; *Crokey* Fined 200 *l.* and *Wright* 100 *l.* the Decree to be Read at the Assizes to clear *Smiths* Reputation, and *Crokey* then to acknowledg his Offence, and ask him forgiveness, and the Books to be there publickly burnt.

Waterhouse *Gent. versus* Ingram *Mil.*

Fine and damage on the Plaintiff *pro falso clamore.*

The Plaintiff by his Bill Charged the Defendant with several Forgeries, and other foul Offences, whereof he was able to make no manner of proof, but the Defendant gave clear and full satisfaction to the Court of his Innocence: and therefore the Court Fined the Plaintiff 500 *l.* and gave the Defendant 500 *l.* damage, and Ordered the Plaintiff to make a submission and acknowledgment to the Defendant in the Court, and at the Assizes at *York*, and there this Decree to be publickly Read, and after to make the like acknowledgment and submission at the Block at *Hallifax.*

Attornat. Regis ore tenus ver. Archer.

Hoarding of Corn to Enhance the Price.

The Defendant contrary to Law, and in Contempt of certain Ordinances set forth by His Majesty, and of His Highness His Proclamation, and Directions of the Lords of the Council, did Engross and Buy much Seed, Wheat and Rye out of the Market, he having about eight Seams or Quarters of Wheat, and about sixty one Seams or Quarters of Rye of his own growing that year; and having only six persons in Family, did forbear to bring any of his own Corn to the Market until about the later end of *July*, after he was presented by the Grand Jurors in *Essex*, for that the Overseers of his Parish having bought of him five Quarters of Rye for Relief of the Poor at 7 *s.* 3 *d.* the Bushel, he refused to deliver the same, unless they would give him 9 *s.* the Bushel; but kept in his Corn, and had then at least thirty Quarters of Wheat and Rye in his House: and for this he was Committed to the *Fleet*, Fined one hundred Marks, and 33 *l.* to be divided among the Poor of his own Parish, and the Poor of other Parishes in that Hundred, at the Discretion of the two next Justices of the Peace, and to stand on the Pillory with a Paper on his head declaring his Offence, at *Westminster*, *Newgate*-Market, *Leaden-Hall*-Market, and *Chelmsford* in *Essex.*

Morgan *Arm. versus* Welch *& al.*

Riotous Rescue.

Welch, Defendant, being Arrested upon an Attachment out of the Court of Chancery, for non-payment of 10 *l.* Costs to *Morgan* the Plaintiff, gave the Bailiff a blow on the Face, and immediately thereupon, being Assisted by three other of the Defendants, Rescued himself, Reviled the Bailiffs, and bid them fly or he would cut off their Legs: and for this Riotous Rescue they were Committed to the *Fleet*, *Welch* Fined 100 *l.* and the other three twenty pounds apiece.

Ferriby *ver.* Houlding *& è contra.*

The Defendants to *Ferrebies* Bill riotously assaulted, beat, and wounded the Plaintiff, and one *Mullan*, and with their Weapons pursued them, and gave them divers wounds in their Heads, and other parts of their bodies; and *Houlding*, the Plaintiff in the other Cause, was stricken to the ground, and two of the Defendants lay upon him, and bit out a piece of his Cheek, and one of them with a Sword drawn gave

gave the Plaintiff divers blows on ſeveral parts of his Body. And for theſe Riots committed at one and the ſame time, four of the Defendants, in the firſt Cauſe, were committed to the *Fleet*, two of them fined 50 *l.* apiece, one 40 *l.* and the other but 20 *l.* in reſpect a piece of his Cheek was bitten out: And two of the Defendants, in the other Cauſe, were committed to the *Fleet*, and fined 40 *l.* apiece.

Mi. 7 Car. Croſs Riots.

Several Cauſes were publiſhed in this Court, wherein Witneſſes had been examined by Commiſſion in the Country; one wherein *Watſon* and his Wife were Plaintiffs againſt the now Plaintiff *Allen*, and others; and the ſaid *Watſon* perceiving, that his Witneſſes had not ſo Depoſed, as would ſerve his turn, to convict the Defendants, did, upon pretence of examining his Copies, obtain the Cuſtody of the Records in his Attorneys Chamber; and then to work his own ends, and to miſlead the Court in their Judgment, did at the Hearing raze, interline, and alter the Depoſitions of divers Witneſſes examined on his part, and made ſuch of them Poſitive and Affirmative for him, which were before Negative and againſt him. And for this he was committed to the *Fleet*, never to be enlarged, unleſs his Majeſty pleaſe to grant him a ſpecial Pardon, and if ever he be enlarged, then to be bound to his good Behaviour during Life; Fined 1000 *l.* be ſet on the Pillory at *Weſtminſter*, and then branded on the Forehead with the Letter *F*; and after to be in like ſort ſet on the Pillory at *Stafford*; and both the Cauſes, wherein the Commiſſions were falſified, diſmiſſed out of the Court.

Allen *verſus* Watſon.

Falſifying the Records of the Court of Star-Chamber.

Mich. 7 Car.

HIs Majeſty out of his Princely Care and Providence, to increaſe the Profits and Revenue of his Crown, and for the good of the Commonwealth, did, with the Conſent and Advice of his Privy Council, Article under his Hand, and Great Seal with the Relator to drain and make dry divers ſurrounded Grounds and Commons in the Counties of *Lincoln*, *Nottingham*, and *York*, which before yielded no benefit at all, but were oftentimes very prejudicial to the Inhabitants thereabouts by Inundations; and withal granted ſome part of the Grounds ſo to be drained and recovered by the Relators Induſtry, and at his Charge, to the ſaid Relator, reſerving a good Fee-Farm-Rent for the ſame; and the Relator was bound to drain and lay dry the ſaid Grounds. And his Workmen being at work thereabout, the Defendants and others, at ſeveral times, came unto the Workmen, and beat and terrified them, threatning to kill them, if they would not leave their Work, threw ſome of them into the River, and kept them under water with long Poles: And at ſeveral other times, upon the knelling of a Bell, came to the ſaid Works in Riotous and Warlike manner, divided themſelves into Companies to take the Workmen, and filled up the Ditches and Drains made to carry away the water, burned up the Working-Tools, and other Materials of the Relator and his Workmen, and ſet up Poles in the form of Gallows to terrifie the Workmen withal; and threatned to break their Arms and Legs, and beat, and hurt many of them, and made others flee away, whom they purſued to a Town with ſuch Terrour and Threats, that they were forced to guard the Town. And for theſe outrageous

Attorn. Regis per Rel. Vermuyden *verſus* Forkeſey *& al.*

Riotous oppoſing and deſtroying the Drain-works in *Lincolnſhire.*

rageous Riots, whereby the Relator was damnified 2000 *l.* the Defendants were all committed to the *Fleet*, bound to their good Behaviour; three of them fined 1000 *l.* apiece, one 500 *l.* and nine others 500 Marks apiece; all of them at the next Aſſizes, after their apprehenſion, to acknowledge their offences, the Judges ſitting, and pay 2000 Marks damage to the Relator.

2000 Marks damage to the Relator.

Leech *Mil. verſus* Waddington *Cler. & al.*

There being difference between the Plaintiff and the Defendant *Waddington*, Vicar of *Cheſterfield*, touching the Tythes there; which the Plaintiff claimed as Leſſee to the Dean of *Lincoln*; the Defendant *Fuliambe*, being a perſon of great power in the County, took a Leaſe, for three years of the ſaid Tythes, from *Waddington*, at the Rent of 20 *l.* *per annum*; when as the ſaid *Waddington* was never in poſſeſſion of the ſaid Tythes, though he claimed them as belonging to his Vicarage, nor was in truth to receive any of the Rent reſerved on the ſaid Leaſe, which the Court held to be Campartie in them both. According to that Leaſe *Fuliamb's* Servants took part of the Tythes, and the Plaintiff brought ſeveral Actions at Law for them, the Charges of which Suits, Sir *Francis*, by way of unlawful maintenance did bear; yet a Verdict paſſed againſt *Waddington's* Title. Nevertheleſs the other Defendants with others, by the Abetment of Sir *Francis*, and *Waddington*, Riotouſly beat the Plaintiffs Work-folks, and carried away part of the ſaid Tythed Corn to the uſe of Sir *Francis*: And afterward, at ſeveral other times, the Defendants, and others Nick-named, took away Tythes from the Plaintiffs Servants, trod ſome under foot, and threw ſome into the water, carried ſome away to *Fuliamb's* uſe, and wiſhed the Right might be tried by force, and therewith cried, *A Fuliamb, a Fuliamb*, and *Waddington's* Servant and Horſe helped to carry part of the ſaid Tythes for *Fuliamb's* uſe; and for theſe offences they were all committed to the *Fleet*, Sir *Francis Fuliamb* fined 500 *l.* *Waddington* 50 *l.* two of the Rioters 200 Marks apiece, and two others of them 100 *l.* apiece.

Champartie.

Maintenance.

Riotous taking away of Tyth-Corn.

Dalton *Cler. verſus* Beck *& al.*

The Defendant *Eleanor Beck* did falſifie, and did Libellouſly publiſh, and give out ſpeeches at ſeveral times, and to ſeveral perſons, that the Plaintiff had got her with Child, and falſely named the time and place when, and where it ſhould be done; and *Richard Beck*, her Husband, ſaid his Wives Report was true; although they now both ſwear they believe the Plaintiff to be innocent of any ſuch Crime; and *Heyton*, another of the Defendants, out of malice to the Plaintiff, publiſhed and ſaid, that the Plaintiff lived in Adultery with the Pedlers Wife; and that *a Prieſt had gotten a Pedlars Wife with Child*, meaning the Plaintiff and the Defendant *Eleanor Beck*; and for this, *Beck* and his Wife were committed to the Houſe of Correction, to be ſet at work three Months, and be well whipped, and fined 40 *l.* apiece; *Heyton* committed, and fined 100 Marks; all of them to ask the Plaintiff forgiveneſs in his Pariſh-Church, and at the Aſſizes where the Decree ſhall be read; and alſo pay the Plaintiff 50 *l.* damage.

Libellous words againſt a Miniſter.

50 *l.* damage.

Attorn. Regis verſus Rogers *& al.*

The Defendant *Rogers*, being of mean Eſtate, and knowing one *Jane Cockaine* to be under the Age of eleven years, and his Majeſties Ward, and that an Eſtate of 300 *l.* *per annum* deſcended to her upon the death of her Father, practiſed with the other Defendant *Mary Partridge*, who attended the ſaid Ward, to procure the ſaid Ward without the conſent

or

or privity of her Mother, to whom the Custody of her was committed, to contract her self for Marriage with the said *Rogers*, which they effected by the said *Partridge* her admittance of the said *Rogers* privately into the said Wards Mothers House by night, and bringing the said Ward being in Bed, down in her Arms to the said *Rogers*; and there caused her to subscribe to a Writing, purporting a Contract, in the presence of one whom they caused to swear not to reveal it; and then they procured one *Dunsterfield* to swear that the said Ward was sixteen years of Age, and had the Consent of her Mother to Marry the said *Rogers*, and upon that false Oath procured a Licence for their Marriage, and after endeavoured to have married her without her Mothers privity in *Greenwich-Park*; but being prevented, they procured her again to use words of Contracting her self with the Defendant *Rogers*. And for this they were committed to the *Fleet*: *Rogers* fined 2000 *l.* and *Partridge*, in respect of her penitency, but 40 *l.* and *Rogers* not to be enlarged of his Imprisonment until the said Ward should by Legal Course and Sentence in the Ecclesiastical Court be freed of the said Contract.

Mic. 7 Car.

Practice to Contract for Matrimony with a Ward but eleven years old.

He that made the false Oath to procure the Licence, could not be brought in to answer.

The Defendant *Owen ap Richard* in contempt, and contrary to his Majesties Proclamation, and Letters Patents prohibiting the making, or using of any other Farthings than those which were made by his Highness Patentees, and prohibiting the Counterfeiting the said Farthings, or making any Engines wherewith to counterfeit the same, did make so many Counterfeit Farthings of Copper, as came to 5 *l.* in Money, and spent, and vented them for his own use; and the Defendant *Hammond* lent other Counterfeiters of Farthings Money to buy Tools wherewith to Counterfeit the same, and provided them a Working-place, and bought them Copper to make Farthings withal, where they did work, and make Farthings, and gave him part thereof, allowing 25 *s.* in Farthings for 20 *s.* Sterling; and those Farthings *Hammond* spent and disbursed, as good Farthings, knowing them to be Counterfeit. And for these Contempts and Deceits they were committed to the *Fleet*, and fined 500 *l.* apiece, be set on the Pillory in *Cheapside*, and then be carried to Bridewell, there to be set and kept to work, during his Majesties pleasure, and not be thence enlarged, but by a signification of his Highnesses pleasure under his Hand and Seal.

Attorn. Regis ore tenus versus Hammond *& al.*

Counterfeiting and uttering false Farthing Tokens.

The Defendant *Taylor* bought twenty Quarters of Barley in the Market, but the Corn was never brought to the Market, and did not bring any Corn of his own that year to the Market, nor sell any, although he had 100 Quarters of Barley, 10 Quarters of Wheat, and 10 Quarters of Rye of his own growing that year, and had but fifteen persons in Houshold. And all the other Defendants, being six in number, did, in like sort buy much Corn out of the Market, and brought none of their own to the Markets that year, although they had great quantities growing; but some of them sold divers quantities out of the Markets, although they did know of his Majesties Proclamation, and the Book of Orders set forth that year for serving the Markets with Corn, to the end the Price might not be enhanced. And for these Offences, which the Court adjudged to be Offences, as well against the Common Law, as his Majesties Proclamation, and the Book of Orders set forth by the Lords of the Council, the Defendants were all committed to the *Fleet*, fined 100 *l.* apiece, and at the Assizes for *Norfolk* Publickly to acknowledge

Attorn. Regis ore tenus versus Taylor *& al.*

Hoarders of Corn to enhance the Price.

Buying and selling out of the Market.

their Offences in the face of the Court, the Judges and Juſtices ſitting, and the Court did forbear putting Ignominious Puniſhment on them, becauſe that they alleaged in their excuſe, that the Juſtices, after their Poor were provided for, gave them Licence to diſpoſe of the reſt of their Corn as they pleaſed. This Licence the Court held did extenuate, but not excuſe them; and declared it to be a great offence in the Juſtices to give them ſuch Licence.

Attorn. Regis verſus Carrier *Cler. & al.*

The Defendant *Carrier*, taking upon him the Office of Bar-maſter, wherewith he had nothing to do, appointed the other Defendants to be Deputy-Bar-maſters within the Wapentake of *Wirkeſworth*; and the ſaid Deputy-Bar-maſters, by the Abetment and encouragement of the ſaid *Carrier*, and his Wife, did, at ſeveral times, demand, exact, and take by force and ſtrong hands *Guiſter* Ore from divers of the Miners there, alleaging it to be their due: And *Carrier* ſaid, they ſhould not meaſure their Ore, unleſs they would pay *Guiſter* Ore, and ſaid, the Bar-maſters might take what they pleaſed, and he would bear them out in it. And all the Defendants, at ſeveral times, repaired to one *Buxton's* Grove, or Cove, and at one time brake open the Cove, and took away one Diſh of *Guiſter* Ore by Force and Violence; and another time *Noton* by *Carriers* Wives Procurement took from them one other Diſh of *Guiſter* Ore; and another time from one *Hill*, as much *Guiſter* Ore, by colour of the ſaid Office. And at another time they all came in Forcible and Riotous manner to *Buxton's* Grove; and there by force offered to take away ſix Load of Ore; and being reſiſted, *Carrier* ſaid, he was Bar-maſter, Judge, Juſtice, and Lord of the Mine, and whoſoever reſiſted, he would ſet them in the Stocks by the Neck, Middle, or Legs; and *Carriers* Wife drew forth a long Knife, and ſaid, ſhe would take a ſhorter Courſe with them: And being deſired to put up her Knife, ſhe ſaid, it was but a hanging-matter if ſhe killed one of them. And for theſe Riots, and forcible taking away of *Guiſter* Ore (*pendente Lite* in the Dutchy) they were all committed to the *Fleet*. *Carrier* fined 500 *l.* his Wife 100 *l.* *Noton* 100 Marks, *Wright* 50 *l.* and two others 20 *l.* apiece; *Carrier* diſabled, and made Incapable to have, or to deal or intermeddle in the Execution of the Office of Bar-maſter, or to hold, or execute any Temporal Office of Judicature; and referred to the Lord Keepers Conſideration, whether he be fit to be a Juſtice of Peace any longer.

Riotous taking the *Guiſter* Ore.

Nota. The Defendant *Carrier* appeared to be guilty of ſeveral other Offences committed with a high hand, by colour of the Office of Bar-maſter, both in the Bar-moot-Court, upon Trial of Cauſes, in Managing, Countenancing, and Directing the Suits, or Matters there Depending, and the Jurors what to find, and of divers Examinations, and Extortions; yet the Court would not ſentence him for them, becauſe they were complained of only in a general Charge of Oppreſſion, and Extortion, not naming any particulars thereof, in what Cauſes, or between what Perſons, or of whom the ſaid Extortious Fees were exacted, taken, and received. And for other Offences, proved but by one ſingle Witneſs, he was referred to the High-Commiſſion-Court.

Hill.

Hill. 7 Car.

THE Defendant upon Conference with one *Taylor* touching the Earl of *Suffolk*, did in the preſence of two or three others, malitiouſly, and diſgracefully ſay, and affirm, that the ſaid Earl of *Suffolk* was a baſe Lord, and had dealt baſely with him; and that he would make him repent it, and ſhortly after wiſhed *Taylor* to tell him ſo; and afterward told one *Brabant* what he ſaid to *Taylor* of the ſaid Earl; that he was a baſe ignoble Lord, and had dealt baſely with him, and that he had wiſhed *Taylor* to tell him ſo: and for this he was Committed to the *Fleet* during His Majeſties pleaſure, Fined 4000 *l.* to make an humble acknowledgment and ſubmiſſion to the ſaid Earl in this Court, as this Court ſhould direct, and pay him 4000 *l.* damages.

Attornat. Regis verſus Greenvile *Bar.* Slander of the Earl of *Suffolk.*

Four thouſand pound damage.

The Defendants *Carter* and *Nicholas* did, at ſeveral times, by night Hunt, Shoot, and Kill divers of His Majeſties Red and Fallow Deer in *New-Foreſt*, and the Purlues thereof within the Plaintiffs Walk, and carried the ſame away, and diſpoſed thereof: and for this they were Committed to the *Fleet*, and Fined 100 *l.* apiece, and after they have been Priſoners a while in the *Fleet*, then to be ſent into the Country, and Committed to the Houſe of Correction, until they ſhall give ſecurity to the Juſtices in *Eyre* to be of Good Behaviour ever after toward His Majeſty and his Game there; and *Whitmerſhe*, one other of the Defendants whoſe Offence ſtood proved but by one Witneſs, ſo as the Court could not Fine him, was Ordered to be alſo bound to his Good Behaviour before the Juſtices in Eyre, as the others were.

Bacon *Arm. ver.* Carter, Oviat *& al.* Killing His Majeſties Deer in *New-Foreſt.*

Grymes uſing the Trade of making and ſelling of Hat-Bands, made ſeven or nine Hat-Bands of Silver intermingled with Copper-thred, and made twelve Dozen of Silver and Gold Hat-Bands mixt with Purl and Oes of Copper double-gilt, and ſold them all for good and perfect Ware, made of good Gold and Silver; and *Wood* being a Spinner of Gold-thred, and maker and ſeller of Gold and Silver Hat-Bands, did deceitfully make and cauſe to be made three or four Dozen of Hat-Bands Trimmed with Copper Oes, and ſold the ſame; and *Knight* uſing the Trade of making and ſelling of Gold, and Silver Hat-Bands, did in the making up of twenty Dozen of Hat-Bands uſe, and work half an Ounce of Copper Oes, and Purl, and ſold them for all perfect Gold and Silver: and for theſe Deceits and Abuſes they were Committed to the *Fleet*; *Grymes* Fined 50 *l.* *Wood* and *Knight* 20 *l.* apiece, and all to be bound with good Sureties never to offend in the like kind hereafter. The Decree to be read at the *Guild-Hall*, *London*, at the next General Meeting of the Lord Mayor and Liveries there; and then the ſaid Defendants to make a publick acknowledgment of their Offences, and the Lord Mayor required to make ſearch for all ſuch Deceitful Ware, and to ſee it deſtroyed.

Bayneham *ver.* Grymes *& al.*

Deceitful mixing of Copper Purl and Oes in Silver and Gold Hat-Bands.

Knight was Fined for matter not Charged in the Bill, but confeſſed by him on his Examination.

Nota.

Paſc. 8 Car.

Attornat. Regis verſus Caſton *Attorney.*

THE Defendant being Attorney for one *Armiger* and *Goddard*, put a Bond of 100 *l.* in Suit againſt one *Walton*, and obtained Judgment thereupon, and upon that Judgment Sued forth a Writ of *Fieri Facias* to Levy the ſaid Debt with 5 *l.* Coſts, and procured a Warrant thereupon to be directed to the Defendant *Walton*, who by vertue thereof, took in Execution Goods of the ſaid *Walton*, which were valued at 77 *l.* 18 *s.* 6 *d.* which being ſold, *Caſton* received the mony, and then refuſed to deliver either the mony or Goods to the Sheriff, yet cauſed the Sheriff to be amerced 40 *l.* for not returning his Writ, the ſaid *Caſton* having before bought the ſaid Judgment of his Clients, which the Court Judged to be Champarty; and *Caſton* afterward Sued forth an *Elegit*, and extended the Moity of the ſaid *Waltons* Lands for the reſt of the Judgment, and *Goddard* his Client, had only 5 *l.* for his ſhare of the ſaid Judgment: and one *Jenner* owing *Caſton* 20 *l.* upon a Bond, which was forfeited, being made payable on a *Sunday*; *Caſton*, although the mony was tendred him the day before it was due, and the day after, procured *Jenner* to be Arreſted by the Defendants *Walton* and *Gonnel*, his ſpecial Bailiffs, upon a Writ of priviledg, whereupon *Jenner* acknowledged a Judgment with a Defeaſance, and paid the mony at the day. Yet the Defendant *Caſton*, for vexation, took advantage againſt the Bailiff of the Liberty of St. *Etheldreds*, and five of his Bailiffs for Arreſting the ſaid *Jenner*, and taking him out of the Cuſtody of the ſaid *Walton* and *Gonnel*, who had Arreſted him at *Caſtons* Suit, but would not acknowledg it, though they were asked, and cauſed *Walton* and *Gonnel* to return a Reſcue againſt them, and the five Bailiffs were thereupon Fined, Impriſoned and Out-lawed; and yet *Caſton* not therewith ſatisfied, cauſed all the ſaid Bailiffs to be Arreſted upon ſeveral Actions, and ſeveral Writs of priviledg, for the ſame Reſcue, at his Suit, and brought one of the Actions down to Trial, but would not proceed; and the reſt, being Arreſted, gave Bond to the Sheriff to appear, but did not, in reſpect they were not able to find ſpecial Bail; and then *Caſton* got from the Under-Sheriffs Clerk their Bonds to the Sheriff, and without the Sheriffs conſent, put them all in Suit, ſeverally, againſt them and their Sureties, to their great Charge and Vexation. The Defendant *Caſton* alſo procur'd ſeveral Blank Warrants from the Under-Sheriff with the Sheriffs Hand and Seal thereunto, and filled up ſome of them by inſerting the names of Special Bailiffs. He alſo Sued one *Hills*, both in the Court of Kings Bench, and Court of Common Pleas for one and the ſame Debt, and made him pay the Charges of both Suits. He alſo Sued forth Execution upon a Judgment againſt his own Client, and offered mony to have it Executed. He alſo taxed Sir *Robert Hitcham* Knight publickly ſitting on the Bench with other Juſtices, at a General Seſſions, that he was partial, and not indifferent in a Matter then in Diſpute, and was not fit to hear the Buſineſs, for that he bore Malice to the Party, and that he was both Witneſs, Judg, and Party, and would not deſiſt until he was Committed, and bound to his Good Behaviour. And the ſaid Defendants practice with a Maid-Servant of Sir *Robert Hitchams*, and with her Mother, procured her Treacherouſly to take a parcel of Articles out of her Maſters Chamber-window, which were delivered him againſt *Caſton*,

Champarty in Buying his Clients Judgment.

Oppreſſion by Multiplicity of Actions Vexatious, and Arreſts on Writs of priviledg.

Suing in other mens names without their privity.

Filling up of Blank Warrants.

Ambodexter.

Reproachful words to a Juſtice on the Bench.

Caſton, and to ſend them to him the ſaid *Caſton*; and would have perſuaded her falſly to have ſworn, that they were written by her Maſter. *Walton*, having Arreſted one *Burd* ſeveral times, refuſed to take Bail upon both Arreſts, but beat, kicked, and dragged him, becauſe he would not go to the Attorney againſt him: and the Defendant *Gonnel* at *Bury*-Aſſizes, at the Trial of a Cauſe between one *Spooner* Plaintiff againſt *Threlkeld*, by Perſuaſions, Threats and Bribes, procured two of the Plaintiffs Witneſſes to go away before they had given their Evidence, ſo as the Plaintiff was forced to be Non-Suited: and for theſe ſeveral Offences *Caſton* was Committed, Fined a thouſand Marks, thrown over the Bar, and diſabled ever to be an Attorney; the Decree to be read at the Aſſizes, and there *Caſton* to acknowledg his Offences, and ask Sir *Robert Hitcham* forgiveneſs: *Gonnel* Committed and Fined 100 *l.* bound to his Good Behaviour, and diſabled to be a Bailiff; and *Walton* bound to his Good Behaviour, and diſabled to be a Bailiff ever after; but not Fined, in reſpect his Offence ſtands proved but by one Witneſs. *Quod Nota.*

Paſ. 8 Car.

A Bailiff beating his Priſoner.

Indirect procuring Witneſſes to depart, and not give Teſtimony, being called.

Nota.

John Stoner by the advice of *Angelo Stoner*, his Brother, after the Deceaſe of one *Henry Eveſeed*, made an Aſſignment in Writing to the ſaid *Angelo* of a ſuppoſed Leaſe, which he pretended the ſaid *Eveſeed* had made to him the ſaid *John* in his life time, of all his the ſaid *Eveſeeds* Lands for ninety nine years, and in that Aſſignment expreſſed a pretended conſideration of 500 *l.* to be paid to the ſaid *John* by his Brother *Angelo*, for the ſaid Aſſignment, and the ſame was Signed, and Sealed, as an Aſſignment of a Good Deed made *bonâ fide*, and ſo publiſhed by the Defendants, who confeſs they never knew of any ſuch Leaſe, as is mentioned in the ſaid Aſſignment, neither was there any one penny of the pretended 500 *l.* conſideration paid, or intended to be paid by the ſaid *Angelo*, to the ſaid *John* for the ſaid Aſſignment: and for this new kind of Fraud to Diſturb Titles and Eſtates, the ſaid Defendants were both Committed to the *Fleet*, and Fined 200 *l.* apiece. This Sentence was grounded upon Matter confeſſed, but not Charged by the Bill. This Suit was alſo for the forgery of a Will, but the Court would not proceed to damn the Will, becauſe the parties charged with the Forgery died, *Pendente Lite*; and for that the Lands in queſtion by the Will of one of the Defendants Deceaſed came to an Infant, His Majeſties Ward, no party to the Suit.

Smith *verſus* Stoner *& al.*

Fraud.

Nota. On Confeſſion, not in the Charge of the Bill.

Trin. 8 Car.

THE Defendant *Broughton* coming unto the Chappel of Eaſe in *Charnes* in *Com. Stafford* to hear a Sermon, placed himſelf in a Seat, where the ſaid *Sales* then was by his Maſters direction, being a Seat whereto Mr. *Broughton* claimed an Intereſt, and holding *Sales*, being *Youngs* Plow-man, unfit Company to ſit with him, and conceiving it was done to affront him (as in truth it was) the ſaid Defendant wiſhed *Sales* to go forth of the Seat, which he refuſing, *Broughton* took him by the Hair, or Ear, with one Hand, and therewith, and with his other Hand forcibly thruſt him out of the Seat, and threw his Staff after him, which *Young* perceiving intended to go ſit there himſelf, and in the Sermon-time endea-

Young *Gen. & Sales, ſervus ſuus ver.* Broughton *Arm. & al.*

Diſturbance in the Church in Sermon time.

endeavoured ſo to do, but *Broughton* perceiving him coming, met him at his entrance, took him by the Collar of his Doublet, and haſtily thruſt him backward, ſaying he ſhould not ſit there, whereat the Preacher made a pauſe: and for this he was Committed, and Fined 100 *l.* but no Coſts on either ſide.

Broughton *Arm. verſus* Young *& al.*

Diſturbance in the Church.

The Defendant *Young*, ſeeing the Plaintiff put *Sales*, the ſaid *Youngs* Plow-man out of the Seat, where the ſaid *Broughton* was to ſit in the Chappel of *Charnes*, and where *Young*, and his Anceſtors alſo uſed to ſit, being the Chief Seat there, roſe out of his own Pew in the Sermon-time, and endeavoured violently to get into the ſaid Seat, but was reſiſted by the Plaintiff, to the diſturbance of the Preacher and people: and for this diſturbance *Young* was Committed, and Fined 50 *l.* the diſturbance being occaſioned by the ſaid *Youngs* placing his Plow-man in the uppermoſt Seat, to ſit with the Plaintiff, which the Court miſliked, and Condemned; yet ordered neither ſide to have Coſts.

Jackſon *Mil. ver. Dominum* Savile *& al.*

Riotous Aſſault and Diſgraceful uſage of the Plaintiff.

Two hundred and fifty pound damage.

The Lord *Savile*, out of Malice, and to Diſgrace and Affront the Plaintiff, did by color of preſervation of His Majeſties Game, come into *Materfriſton* Fields with twenty or thirty others in his Company Armed, where the Plaintiff, with divers other Gentlemen were, by the leave of Mr. *Vavaſor*, who had free Warren in the Mannor, Hunting the Hare, and applying himſelf to the Plaintiff, with a frowning diſcontented Countenance, ſaid, Sirrah, by what Authority do you Hunt here? and the Plaintiff anſwering, by Mr. *Vavaſors* leave: the Lord *Savile* in diſgrace of the Plaintiff replied, Sirrah be gon, or I will ſend you packing, I ſcorn both you and Mr. *Vavaſor*: and thereupon he and divers others of his Company drew forth their Swords, and the Lord *Savile* furiouſly aſſaulted the Plaintiff, who had nothing to defend himſelf but his Hunting-Pole, and purſued, and chaſed him about the Field, called him Coward, challenged him to Fight with him, and in diſgrace told him, a Pot of Ale was fitter for him than a Sword; yet the Plaintiff to avoid Bloodſhed, neglected his provocations, and went out of the Field: and for theſe Offences the Lord *Savile* and *Graunt*, who alſo drew his Sword, and purſued the Plaintiff, were Committed to the *Fleet*; the Lord *Savile* Fined 1000 *l.* and *Graunt* 200 *l* but the Lord *Savile* to pay that alſo, if he be not able, and he to pay 250 *l.* damage to the Plaintiff, and make him ſuch other Reparation for his foul and diſgraceful Speeches, as this Court ſhould direct.

Dymock *Arm. verſus* Chambers *&* Dee. Champarty and Maintenance.

The Defendants after a ſpecial Verdict given up by the Jury, upon a Trial touching certain Lands in Controverſie between the Plaintiff, and one *Jenkins*, did by way of Unlawful Champarty buy the ſaid *Jenkinſes* Eſtate in the Lands in Controverſie, and procured a Deed thereof to be made to the Defendant *Chambers*, but to *Dees* uſe, and a Fine to be Levied; and did by way of Unlawful Maintenance of the ſaid Suit, aſſiſt *Jenkins*, and retain Council, and an Attorney, and gave them Fees, and the Clerks employed in the Buſineſs; and after the ſpecial Verdict Argued, and given for the Plaintiffs Title, the Defendants Sued forth, and at their own Charge Proſecuted a Writ of Error in the Court of Kings Bench, in *Jenkinſes* name, and Agreed, that if *Dee* did not pay *Chambers* all the mony he diſburſed at the end of the Suit, *Chambers* ſhould have the Land: and for this they were both Committed;

Fined

fined 100 *l.* apiece, 30 *l.* damage to the Plaintiff; and the Decree to be read at the Aſſizes in the County of *Flint.*

Mi. 8 Car. 30 *l.* Damage.

Michael. 8 Car.

THe Defendants *Harriſon* and *Spyer*, at ſeveral times, and places, and in preſence of ſeveral Perſons, publiſhed an infamous Libel, which they called, *Verſes made of the purer ſort*, to the ſcandal and diſgrace of the Plaintiffs, whom all the Defendants confeſs to have lived in good repute, and to be of honeſt Life and Converſation. And the Defendant *Tufton* having procured a Copy of the ſaid Libellous Verſes from *Harriſon* and *Spyer*, he publiſhed them to divers Jurats of the Town of *Rye:* And after he was told, he would be puniſhed for it, he gave his Copy to a Gentlewoman, and told her, that Libel was intended by the Plaintiffs. And the Defendant *Martin*, upon Conference about the ſaid Libel, ſaid, he would bear out him that was the Contriver of them though it coſt him 100 *l.* and ſaid the Libel was true, and that the Plaintiff *Smith* lay with the Plaintiff *Martha Oſmonton*, and therefore it was not a Libel, but a True Bill. And for this they were committed to the *Fleet*, *Martin* fined 500 Marks, the other three 200 *l.* apiece, and 100 *l.* Damage to the ſurviving Plaintiffs, one being dead; *Martin* bound to his good Behaviour, and all of them to acknowledge their Offences, and great Injury done to the Plaintiffs, both at this Bar, and at *Rye*, in the preſence of the Plaintiffs, and the Mayor, and Jurats there, and ſhew themſelves heartily ſorry for the ſame.

Smith & al. verſus Tufton *Armig. & al.*

Libel.

100 *l.* damage.

The Defendant *Travers*, upon ſome heart-burning and diſcontent taken againſt the Plaintiff for croſſing his Advancement to the Place of a Canon-Reſidentiary in the Church of *Exeter*, did conſpire with the Defendant *Froſt*, and *Katharine Bampton*, his Daughter, falſely, and maliciouſly to accuſe the Plaintiff with the foul Crime of Incontinency with her the ſaid *Katharine*, which the ſaid *Katharine* was drawn to do, partly by Wine, and partly by Promiſes and Importunities. And for this, *Travers* was committed to the *Fleet*, fined 1000 *l.* to the King, and 250 *l.* damage to the Plaintiff, and to make his acknowledgment, and ask the Plaintiff forgiveneſs at this Bar, and at the Aſſizes at *Exeter*, and the Decree to be then read. *Froſt* committed to the *Fleet*, during his Majeſties pleaſure, bound to his good Behaviour, fined 500 *l.* to be ſet on the Pillory at *Exeter*, with a Paper on his head declaring his offence, and there to make an acknowledgment, and ask the Plaintiff forgiveneſs, the Decree being read: And *Katharine Bampton* committed to the *Fleet*, thence to be carried down into the Country, to be well whipp'd at *Cullampton*, and through the City of *Exeter*; and then committed to the Houſe of Correction a year, and before her enlargement find Sureties for her good Behaviour. Others of the Defendants reproved, and left with a *Non Liquet*, and all the Records in this Cauſe, ſaving the Plaintiffs Bill, and this Decree, as alſo all Copies thereof to be called in, and burned, that no Scandal remain to the Plaintiff hereafter.

Dr. Peterſon *Deacon of* Exeter *verſus* Travers *Cler. & al.*

Conſpiracy to accuſe the Plaintiff of Incontinency.

250 *l.* damage.

The Defendant *Lunsford*, having conceived diſpleaſure againſt the Plaintiff, did, together with the other Defendants in *January* 5 *Car.* go into

Pelham *Bar. verſus* Lunsford *Jun. & al.*

Riotous hunting and killing the Plaintiffs Deer, and beating the Keepers.

into the Plaintiffs Park, and there by day, and night, being provided with Grey-hounds, and armed with ſeveral unlawful Weapons, and there hunted, and killed one Male Deer, and a Doe, and a Fawn, and carried away the Male Deer, and left the Doe and Fawn behind; and the Plaintiffs Keepers hearing the Bray of a Deer, and coming in unto them, the Defendant *Lunsford* with a long Staff gave one of them ſeveral blows, one on the ſhoulders, and another on the back; and another of the Defendants with a Foreſt-Bill knock'd down the other Keeper, and whilſt he was on the ground, he was run through the Back, and ſo into the Breaſt, three or four Inches deep, with a Rapier; and one of them took a Piſtol from his ſide, and ſwore he would ſhoot the Rogues, meaning the Keepers, and told them they ſhould never come back if they followed them; and *Lunsford*, at ſeveral other times by day, and night, in ſeaſon, and out of ſeaſon, did, in revenge, hunt, kill, and carry away the Plaintiffs Deer; and upon Conference with one Mr. *Levet* touching his hunting, and killing the Plaintiffs Deer, he uſed many words of ſcorn and contempt againſt the Plaintiff, terming him Fool, and ſaying, He cared not a Fart for him. And for this, *Lunsford* was committed, fined 1000 *l.* bound to his good Behaviour, with Sureties 10 *l.* apiece Lands in the Subſidy in the Sum of 2000 *l.* and in reſpect he is fled into another Kingdom, to ſhun the Juſtice of this Court; They held fit, his Majeſty ſhould be moved for his Privy Seal to command him to come over, which if he did not do by *Whitſuntide* next, his Fine then to be doubled, and he to endure three years Impriſonment when he did return: The other two committed to the *Fleet*, fined 200 *l.* apiece, and bound to their good Behaviour; and all the Defendants to acknowledge their offences at the Quarter-Seſſions in the County of *Suſſex*, and pay the Plaintiff 500 *l.* damage, and 200 *l.* damage to the Plaintiffs Keepers.

500 *l.* damage to the Plaintiff, 200 *l.* damage to the Keepers no Parties to the Suit.

Attorn. Regis verſus Steward *& al.*

The Defendants, with about five hundred others in their Company, 28 *Mar.* 7 *Car.* aſſembled themſelves in *Feckenham* Foreſt, upon that part thereof, which upon the Diſaforeſtation was allotted for his Majeſties part, and wherein his Majeſties Farmers had made and ſet up Hedges and Ditches, about three Miles in length, and did there, with Spades, Shovels, and Pitch-forks, in Riotous and unlawful manner throw down about 1000 Perches of the ſaid Fences: And the Sheriff and Juſtices coming thither, making Proclamation, and commanding them to depart, and give over their ſaid Riotous Actions; they not only refuſed ſo to do, but alſo Riotouſly aſſaulted the Sheriffs Company that came with him to ſuppreſs the Riot, threw ſtones at them, hurt divers of them, and beat them back, and would not be drawn to yield any obedience. And for this they were all committed to the *Fleet*, fined 500 *l.* apiece, bound to their good Behaviours, and at their own Charges between that and *Chriſtmas*, repair, and make up all the Ditches, Hedges, and Fences by them and their Confederates Riotouſly thrown down, and what in them lie, ſave the ſaid Fences from farther ſpoil hereafter; the Decree to be read at the next Quarter-Seſſions for *Worceſterſhire*, and then the Defendants publickly to acknowledge their offences, and ſhew themſelves ſorry for the ſame.

Riotous deſtroying the Incloſures in *Feckenham* Foreſt.

Attorn. Regis ore tenus verſus Jupp.

The Defendant in *July* laſt bought in *Leadenhall*-Market 110 Flemiſh Ells of Minikin-Bays of *Bocking* making, and three other Pieces of about

about 50 like Ells the Piece, for one *Goddard* a Seafaring man; and afterward to grace the Commodity, and to make them ſell the dearer beyond Sea, (where it ſeems they are bought, and their goodneſs known by the Seal, without opening them) the Defendant affixed Seals to the ſaid Bays, like the *Colcheſter* Seals, which he made with Stamps he had gotten for that purpoſe, *Colcheſter*-Bays being better, and ſelling dearer than other Bays, and this Bays being worſe than the worſt *Colcheſter* Bays. The Defendant alſo confeſſeth, that a hundred and a hundred times, and above he hath for Merchants made the Faulty Bays of *Colcheſter* have the whole Seal, which before had but the half Seal, and was marked as faulty by cutting off a piece, and fixing the Seal at the Angle, and this he did by cutting off the Puckle of the Bay at the Angle, and drawing it, and fixing that Seal at another place. And for theſe Frauds the Defendant was committed during the Kings pleaſure, not to be enlarged, until he had diſcovered and made known the Names of ſuch Merchants for whom he uſed and practiſed the ſaid deceit, and found Sureties for his good behaviour, fined 1000 *l.* and a power of inflicting further puniſhment, and Compulſory means to make him confeſs their Names; if he continued ſtubborn, and will not diſcover them, and to be ſet on the Pillory in *Cheapſide*, *Cornhil*, *Blackwel-Hall*, *Bocking*, and *Colcheſter*, with a Paper on his head declaring his offence, and at each place the Decree to be read, and Printed Copies thereof to be ſet up upon the Pillory, and other places thereabout, to the end they may there remain, and be ſeen, and that the cauſe of his puniſhment may be generally known to the Clothiers in all parts of the Kingdom.

Mi. 7 Car.

Deceitful putting Counterfeit *Colcheſter* Seals to *Bocking*-Bays.

Vide Attorn. & Coleman. Paſch. 14 *Car.*

The Court declared, that whoſoever ſhould diſcover and bring to to Sentence any Delinquents of this kind, they ſhould for their Reward have half the Fines, which ſhould by this Court be impoſed upon them.

Nota.

Peter Bland, being in 1615. ſeized of Lands to the value of 230 *l. per Annum*, and alſo poſſeſſed of a Perſonal Eſtate of good Value, did, by a Will made that year, diſtribute the greateſt part thereof unto, and among his three Children, and their Iſſues; and in 1621. Eſtated his Lands upon his Brother *John Bland*, and the Defendant *Lownes* (who had then married his Neece, with whom *Bland* gave him 150 *l.* Portion, and truſted him, being a Scrivener, with the letting out of his Money) and to their Heirs in Truſt, to ſell the ſame, and diſpoſe the Money according to his the ſaid *Peter Bland's* Will, or in default of ſuch appointment, then to be diſtributed among his Children, and Grand-Children, at the diſcretion of the ſaid *Lownes* and *John Bland*, with a Proviſo therein to revoke the ſame, paying 200 *l.* apiece to the ſaid *Lownes* and *John Bland*, and in *March* 1622. *Peter Bland* made a ſecond Will, and thereof made Executors the ſaid *Lownes* and *John Bland*, and one Mr. *Baldwin*, his beſt truſted Friend; and to preſerve that Will, he put it into a Box with three Locks and three Keys, and delivered to each Executor a Key, and ſaid it ſhould not be opened until they all met; and by that Will, as himſelf reported, he deviſed his Lands among his Children and Grand-Children, and alſo all his Perſonal Eſtate, ſaving ſome ſmall Legacies to his Friends. After which *Lowns* by a Letter written by the Defendant *Hoskins*, who was *Peter Bland's* Servant, to Mr. *Baldwin*, whereto *Peter Bland's* Name was ſuſpiciouſly ſubſcribed, got Mr. *Baldwin's* Key, and then the Cheſt wherein the ſaid Box with

Herbert *Arm. & al. verſus* Lownes *& al.*

three Locks was kept, was carried to *Lownes* his Houſe, and what is become of that Will ſince cannot be diſcovered: but *Peter Bland* being grown very Aged, and Infirm, and weak in Body and Underſtanding, by reaſon of his Age, and of an Apoplexy, and being wholly guided by the Defendants *Lownes* and *Hoskins*, was, in *July* and *November* 1624. during ſuch Weakneſs, drawn to make two other Wills, and ſeal and deliver ſome Conveyances of his Lands to the ſaid *Lownes*, and others in Truſt for *Lownes* his uſe; and in *June* 1 *Car.* *Lownes* having gotten him to his Houſe, did, by practice with *Hoskins*, circumvent *Peter Bland* in his greater Weakneſs, and drew him to Sign and Seal one Deed Indented, Dated 25 *Junii* 1 *Car.* whereby *Lownes*, in Conſideration of the ſaid former Conveyance to him, and others to his Uſe, of the ſaid *Peter Bland's* Lands, and of 1150 *l.* in hand, paid to the ſaid *Lownes* by the ſaid *Bland*, did Covenant to pay ſeveral Sums of Money therein mentioned to ſeveral perſons therein named, in ſuch ſort as was therein expreſſed: And *Lownes* then Sealed a Bond of 4000 *l.* to *Peter Bland*, and his Executors, *&c.* to perform thoſe Covenants, and at the ſame Inſtant, by the practice of the ſaid *Hsokins*, drew the ſaid *Peter Bland* to ſeal, and publiſh a Writing, as his laſt Will and Teſtament, but dated *June* 27. reciting, and confirming the aforeſaid Deed; and of that Will made the ſaid *Lownes*, and *John Bland* his Executors, but none of *Bland's* Children, or Grand-children were privy thereunto, nor any of his Friends Witneſs thereunto; and by this means *Lownes* would have defeated all *Peter Bland's* Children, and Grand-children of his whole Eſtate: and by making himſelf Executor of that Laſt Will, he made void the Bond of 4000 *l.* by him entred into to perform the Covenants of the Deed of 25 *Junii*. And for this Fraud, Deceit, and Circumvention, *Lownes* and *Hoskins* were committed to the *Fleet*, and fined, *Lownes* 1000 *l.* and *Hoskins* 300 *l.* and did confirm and ſtrengthen the Decree in *Chancery*, whereby the now Plaintiff *Bland's* Children are relieved for his Eſtate. And Sir *Richard Minſhall* Knight, who was of Council with *Lownes*, for the drawing of the Deed of the 25 of *June*, and the Will of the 27 of *June*, for ſuffering himſelf to be miſled by *Lownes*, and receiving his Inſtruction from *Lownes* to draw them, and not from *Bland*, to whom he did often reſort; and for ſuffering the ſame to paſs with unfit Clauſes and Proviſo's and never acquainting *Bland* how prejudicial it was to his Children and Grand-children, nor asking him whether it were his Intention ſo to prejudice them, as he ought to have done, being preſent alſo at the Sealing, and delivery of them, was committed to the *Fleet*, and fined 500 *l.*

Fraudulent procuring of a Deed and Will from a man in great age and weakneſs, to the diſinheriting of his Children, and Grand-children.

A Counſellour ſuffering himſelf to be miſled, and drawing a Deed and Will by the Inſtruction of him who was to have the benefit by them, and not of the Party himſelf, being a very aged weak man.

Kilvert *verſus* Hanger.

The Defendant, being diſcontented with an Award made by the Plaintiff and another Merchant, did, out of malice, under colour of ſetting down in Writing, Exceptions to the ſaid Award, and the proceedings thereupon, frame, and put in writing a Libel againſt the Plaintiff, wherein he unjuſtly and ſcandalouſly charged him as a general Wrongdoer, Deceiver, and Oppreſſor of the King's Subjects, who reſided at *Sevil*, and other parts in *Spain*, during ſuch time as he reſided there, and falſely terming him, *A Briber, a Judas, and Viper*, and ſtuffed the ſame with divers other notorious, falſe, and Libellous untruths, nothing concerning the Award or Reference; and the more to ſcandalize him, denoted and ſignified the Plaintiff by the Letter *K*, ſaying, he came to ſhew the falſhood of that baſe and ſhameleſs *K.* and publiſhed the ſame. And

Libel.

for

for this he was Committed and Fined 500 *l.* to the King, and 500 *l.* damage to the Plaintiff, and make a Recognition and acknowledgment to the Plaintiff of the wrong done unto him.

Mi. 8 Car. Five hundred pound damage.

The Defendant *Neal* with intent to get the Poſſeſſion of the Houſe whereto he Claimed Title, and wherein the Plaintiff, his Wife, Children and Mother then dwelt; and knowing no other way to get the Poſſeſſion, but by ſtarving them out, did to that end take away a Womans Horſe, as ſhe was going with Food to them, and turned her back again on Foot, and threatned her with what violence he would uſe her, if ever ſhe came to bring them any more Food or Suſtenance, and by this means the Plaintiffs Mother being Fourſcore years Old, was ſtarved for want of Food, the Neighbours not daring to come to Relieve them for fear of *Neale*, and *Neale* with others in his Company came to the Houſe, and with an Ax, or Hatchet, did Riotouſly cut down three of the doors of the Houſe, the Plaintiffs Wife and Children being therein, carried away the doors, and Reviled his Wife and Children; and another time with others in his Company did Riotouſly, being Armed with a Bill; throw and beat off part of the Tiles of the Houſe: and for this he was Committed, and Fined 500 *l.*

Beſt, Pauper *verſus* Neale & Winter *Arm. & al.*

Riotous proceedings.

The Defendant having ſeveral Mannor-Houſes and Lands in the Country, of great Value, did (in contempt, and contrary to his Majeſties Proclamation, whereby all Noblemen, Gentlemen and others were Commanded to reſort into their Countries, and not to make their Reſidence in *London*, or Suburbs there) Reſide and Live in *London*, for divers years paſt, and went not to his Country-Dwelling: and for this Contempt and Diſobedience he was Committed to the *Fleet*, and Fined 1000 *l.*

Attornat. Regis ore tenus verſus Palmer *Armig.*

Reſiding in *London* contrary to Proclamation.

The Defendant *Gregory*, and *John Rowe* Aſſaulted and Beat the Plaintiff aboard a Ship, being then a Head-Conſtable; and at his going away, *Gregory Rowe* challenged him to Fight, which the Plaintiff refuſing, the ſaid Defendant told him that if he would not Fight with him at their next meeting, he ſhould take what fell out: and the ſame day *Gregory Rowe* Armed with a Sword and Piſtol, together with *John Rowe*, and ſix or ſeven others Armed with Swords, came before the Plaintiffs Houſe, and *Gregory* there Challenged the Plaintiff to Fight with him; ſaying, if the Plaintiff would not Fight he would be revenged on him; and thereupon an Officer of the Town requiring *Gregory* to keep the Peace, and yield up his Weapons, he refuſed ſo to do, and another of the Company then ſaid they came to Fight, and they would Fight, and ſo there continued half an hour in that Tumultuous manner. And the next day the two *Rowes* came to a Tipling-Houſe, near the Plaintiffs Houſe, and there *Richard Rowe* ſaid that he would knock down the Plaintiff whereſoever he met him, and be revenged on him, although he died in the place: And the Conſtables being thereupon ſent for to keep the Peace, they found the two *Rowes* ſtanding before the Plaintiffs door, one of them being Armed with a Sword and Dagger, and the other with other like Weapons, and a Piſtol Charged with a Brace of Bullets; and the Conſtables requiring them to keep the Peace and deliver their Weapons, they refuſed; and *John Rowe* being thereupon diſ-

Tapſon *Gen. verſus* Rowe *Gen. & al.*

Riotous Outrages.

armed, *Gregory* promiſed to deliver his Weapons to one of the Conſtables; but on a ſudden drew forth his Sword, and asked, who durſt come near him, he would drive the whole Town before him; and then *Richard Rowe* alſo drew his Sword, and ſo Reſcued themſelves, and went out of the Town, and *Creeſe*, a Conſtable, and others going after them to ſee them out of the Town, *Richard Rowe* with a Staff, and *Gregory* with a Sword, and a Piſtol with the Cock bent, turned back upon them, preſented the Piſtol againſt the Conſtable, and thruſt at him with a Sword, no Violence at all being offered unto them: and for theſe Offences the three *Rowes* were Committed to the *Fleet*, *Gregory Rowe* Fined 500 *l.* the other two 400 *l.* apiece, all bound to their Good Behaviours, and 100 *l.* damage to the Plaintiff; and 40 *l.* damage to *Creeſe* the other Conſtable.

A hundred pound damage to the Plaintiff, 40 *l.* damage to another no party to the Suit.

Hill. 8 Car.

Trevanion, *Gent. verſus* Vivian *Mil. & al.*

THE Defendant having by Letters Patents from His Majeſty the Captainſhip, Cuſtody and Government of the Caſtle of St. *Maures* in *Cornwal*, and having for it a Fee of 3 *s. per diem*, and power to Elect a Deputy or Lieutenant, a Porter, a Maſter Gunner and twelve Souldiers for his Aſſiſtance in Guarding the ſaid Fort, with a Fee of 1 *s.* 6 *d. per diem* for the Lieutenant, 1 *s. per diem* for the Porter, 1 *s. per diem* for the Gunner, and 8 *d. per diem* for each Souldier, and all thoſe Fees to be paid Quarterly to the Defendant, and he to pay the others, did, contrary to the duty of his Place, and the Truſt repoſed in him by His Majeſty neither maintain and keep the Caſtle Guarded with ſo many Souldiers as he ought, nor give thoſe Souldiers, which did Attend and Guard the Caſtle, ſuch proportion of mony as was allowed by His Majeſty, but continued the Caſtle guarded with a leſs number, and thoſe that were he abated much of their Wages, and put it into his own Purſe, and when His Majeſty ſent to take a view of the Caſtle, he would get a compleat number of Souldiers to attend, and ſome were Enrolled there, as Souldiers, who lived far off, and never had penny of Pay, nor ever did any ſervice there: and for this deceit and breach of Truſt he was Committed to the *Fleet*, Fined 2000 *l.* Suſpended from the Execution of his Place, until His Majeſty give him farther Licence to Execute it; and Mr. *Attorney General* required to him to call an accompt for the monies by him received from His Majeſty, and unduly kept in his own Purſe.

Breach of Truſt, and Deceit in a Captain of a Caſtle.

Dominus Barkley *ver.* Poole *& al.* Killing the Plaintiffs Deer.

The Defendants at divers ſeveral times Hunted and Killed the Plaintiffs Deer, both Red and Fallow, in his Park called the *Worthy*, with Nets and other Inſtruments: and for the ſame *Rowland Poole*, whoſe Offence was aggravated by his denial of it upon Oath, and perſuading the reſt to Perjure themſelves alſo, and to deny the ſame, was Committed, Fined 200 *l.* bound to his Good Behaviour ſeven years, and at *Glouceſter* Aſſizes, ſtanding in an eminent place with a Paper on his head declaring that he did in this Cauſe forſwear himſelf, and perſuade others to forſwear themſelves alſo, acknowledg his Offence, and ask the Plaintiff forgiveneſs: two others Committed, Fined 100 *l.* apiece, and bound to their Good Behaviour four years, and five more Committed, Fined

50 *l.*

50 *l.* apiece, and bound to their Good Behaviour three years; all of them to acknowledg their Offences at the Aſſizes, and ſubmit themſelves to the Plaintiff, and pay him 100 *l.* damages. *Hi.* 8 Car. A hundred pound damage.

The Defendant, Sir *Henry Anderſon*, Coveting to gain unto himſelf the Rectory of *Eaſt-Cowton* from the Plaintiff, threatned the Plaintiffs Tenant to ſet fire on his Hay, and that he would be Troubleſom to him, and *Maultus* told him he would be undone by it: and they bearing malice to the Plaintiff for that, as it ſhould ſeem, he would not ſell the ſaid Rectory to Sir *Henry*; Sir *Henry* ſent the Plaintiff a meſſage full of provoking Language: and *Maultus* meeting him in the Town of *Eaſt-Cowton*, bid him get out of the Town, like a Skip-Jack-Fellow as he was; for he would have him packed out of the Town; and that if he did not go, he ſhould be beaten out, And ſoon after, as the Plaintiff was going to the Pound to releaſe a Horſe of his Tenants there Impounded, which they would in no wiſe deliver, unleſs the Plaintiff came in perſon; the Defendant *Henry Anderſon* came to the Plaintiff, picked a quarel with him, and *Maultus* being come almoſt to him, took hold of the Plaintiffs Horſe-Bridle, and ſtrook the Plaintiff on the Breaſt with a Staff, and *Green* beat him about the Neck and Shoulders with a Pitch-Fork; and the Plaintiff having gotten from them, *Maultus* ſtanding by ſaid, ſtay Sirrah, ſtay, you go not ſo, I have ſomthing to ſay to you before you go, I told you you ſhould be beaten out of the Town; and Sir *Henry* after ſaid, he was not Cudgelled half enough: and for this they were all Committed to the *Fleet*; Sir *Henry*, for abetment of the Riot, and *Henry*, his Son for the Riot, Fined 300 *l.* apiece *Green* and *Maultus* Fined 200 *l.* and bound to their Good Behaviour a year, and Sir *Henry*, and *Henry Anderſon* to pay their Fines, if they be not able, and the Defendants Convicted to pay the Plaintiff 100 *l.* damages. Bacon *Armig. ver.* Anderſon *Mil. & al.* Riot and procurement thereof. A hundred pound damage.

Paſ. 6 Car.

THE Defendant *Conſtantine* disburſed mony toward the Suing forth of a Writ of *Scire Facias* out of the Court of Exchequer againſt the Plaintiff, which, at his inſtance, was Executed, and Returned; and did, at his own Charge, procure a Judgment againſt the Plaintiff, and a Writ of Extent to be thereupon Sued forth, and Executed, he having no Intereſt in the Debt or Suit, whereupon the Writ was Sued forth, and Executed: and for this Maintenance he was Committed to the *Fleet*, and Fined 100 *l.* Wickſteed *verſus* Conſtantine. Maintenance.

Seventeen of the Defendants with about three or fourſcore others *July* 9. 6 Car, aſſembled themſelves upon a piece of Ground called *Weſtland-Heath*, which was then Fenced by the Plaintiff with Hedges, Ditches, Gates, Rails and Poſts, and whereon the Plaintiff had then Corn growing; and being Armed and provided with ſeveral ſorts of Weapons and other Inſtruments, did Riotouſly break down, pull up, and cut in ſunder the Gates, Poſts, Rails, Hedges and Fences there, and burned and conſumed them, and the Quickſets there with fire, ſtrook up a Drum, and ſhouted, laughed, and rejoyced thereat; and the Conſtables coming to keep the Peace, they threatned to burn them too, if they Southern *Mil. verſus* Herne *& al.* Riotous deſtroying and burning of Fences.

they reſiſted the Rioters, and had a Captain and Lieutenant among them: and for theſe Riotous proceedings, although ſome of them had, the day before, upon a Trial Recovered Common of Paſture in the ſaid Ground; the Defendants were Committed to the *Fleet*; *Webſter* the Captain, and *Brown* the Lieutenant Fined 100 *l.* apiece, bound to their Good Behaviour a year, and to acknowledg their Offences at *Norfolk*-Aſſizes, the Decree being there Read; and the reſt of the Defendants Fined 50 *l.* apiece: but the Court would give the Plaintiff no damage, for that ſome of the Defendants had had two Verdicts for Common in the ſaid Ground.

Nota.

Attornat. Regis ver. Sherfeild *Arm.*

The Defendant being troubled in Conſcience, and grieved with the ſight of the Pictures, which were in a Glaſs-window in the Church of St. *Edmonds* in New *Sarum*, one of the ſaid Pictures, to his Underſtanding being made to Repreſent God the Father, did procure an Order to be made by the Veſtry, whereof himſelf was a Member, that that Window ſhould be taken down, ſo as the Defendant did, at his own Charge, Glaze it again with White Glaſs; and by colour of this Order the Defendant, without acquainting the Biſhop or his Chancellor therewith, got himſelf into the Church, made the doors faſt to him, and then with his Staff brake divers holes in the ſaid Painted Window, wherein was deſcribed the Creation of the World: and for this Offence Committed with neglect of the Epiſcopal Authority from whom the Veſtry derive their Authority, and by colour of an Order of the Veſtry, who have no power to alter, or reform any of the Ornaments of the Church, the Defendant was Committed to the *Fleet*; Fined 500 *l.* and Ordered to repair to the Lord Biſhop of his Dioceſs, and there make an acknowledgment of his Offence, and Contempt, before ſuch perſons as the Biſhop would call unto him.

Defacing of a Church-window by colour of a Veſtry-Order.

Attornat. Regis ver. Overman *& al.* Sope-boilers. Uſing Fiſh-Oyl in Sope-making.

The Defendants being Sope-Boilers of the City of *London*, did, contrary to His Majeſties Proclamation, uſe divers great quantities of Fiſh-Oyl in making their Sope, and four of them alſo uſed Spike-Oyl in the making thereof, to qualifie the ſent of the Fiſh-Oyl; His Majeſty by that Proclamation having Prohibited the uſe of any other Oyl than Olive, and Rape-Oyl to make Sope withal, ſo as it might be ſweet and more ſerviceable: and the Defendants *Griffin*, *Cox*, and *Revel*, in farther Contempt of His Majeſties Proclamation, and in Contempt and Oppoſition of His Majeſties Letters Patents granted to the New Corporation of Sopers of *Weſtminſter*; and by the Inſtigation and Encouragement of the Defendant *Whitwell*, refuſed to ſuffer the Eſſay-Maſter for Sope to Try or Mark their Sope, although His Majeſty by His Proclamation Commanded the doing thereof, and that none ſhould be ſold until it were Marked and Tried: and albeit the Defendants were no Corporation, Body, or Fellowſhip by any Lawful Authority, yet the Defendants *Overman*, *Baker*, and *Troughton*, with others, did, at ſeveral times, and at ſeveral Taverns in *London*, aſſemble themſelves together, and Confer about the Sale of their Sope, and buying of Fiſh-Oyl of the *Greenland*-Company, and did there conclude, and agree not to ſell their ſecond beſt Sope under 54 *s.* a Barrel, and did after ſell it at greater Rates, and did buy ſix hundred Tun of Fiſh-Oyl not long after to uſe in making their Sope: and for theſe Offences they were all Committed to the *Fleet*, during His Majeſties pleaſure: *Griffin* Fined 1500 *l.* *Overman* the Elder and *Whitwell* 1000 *l.* apiece, *Baker*, *Troughton*,

Not ſuffering the Eſſay-Maſter to Try or Mark their Sope.

Unlawful Meetings to ſet Prizes on their Commodities.

Troughton, *Cox* and *Revel* one thouſand Marks apiece, *Hardwick*, *Overman* junior, *Barefoot*, *Hayes*, *Hynde*, *Waſher*, *Barber*, *Weedon* and *Monck* 500 *l.* apiece; and all of them diſabled by themſelves, or their Workmen, Servants, Agents, or any other to Uſe, or Exerciſe their Trade of Sope-Boiling at any time hereafter.

Paſ. 9 Car.

Diſabled to uſe their Trade.

The Plaintiff being put into the poſſeſſion of the Mannour-Houſe of *Lea* with other Lands thereto belonging, by vertue of a Commiſſion out of the Court of Exchequer, being extended for a Debt of 365 *l.* due to his Majeſty, the ſaid Mannour and Lands being granted to the Plaintiff by Letters Patents, at a certain Rent, for ſo long time as the ſame ſhall remain in his Majeſties hands, by reaſon of the ſaid Debt. The Defendants *Houghton*, *Barton*, and *Dawſon*, with others, to the number of about 60. came and entred into part of the ſaid Houſe, and being charged and required by the Plaintiff to depart, and ſuffer him quietly to enjoy the Poſſeſſion; the Defendants *Dawſon* and *Barton* ſaid, they were ſent thither by their Maſter Sir *Richard Houghton*, and they would be there; and then divers of the Company in a terrifying manner gave out threatning ſpeeches againſt the Plaintiff, and the Commiſſioners that put him in Poſſeſſion. And the Defendant *Houghton*, making ſhew of Compounding with the Plaintiff for the ſaid Debt, drew the Commiſſioners out of the Houſe, and then the Doors and Gates were locked up by the Riotous Aſſembly, and the Plaintiff and his Company kept as Priſoners without Fire, or Candle. And for this Riotous Aſſembly, and diſturbing the Plaintiffs Poſſeſſion, in oppoſition and contempt of the ſaid Commiſſion, the ſaid three Defendants were committed to the *Fleet*, *Houghton* fined 100 *l.* the other two 50 *l.* apiece.

Wren *Armig. verſus* Houghton *Armig. & al.*

Riotous diſturbance of a Poſſeſſion.

The Defendant *Thomas Ogle* Eſquire, being diſcontented at the Plaintiff, and having an intention to wound and miſchief him, went with the other Defendants to ſeveral places to enquire for the Plaintiff, and being told which way he was gone, and where he would Dine that day, they went to meet him, and found him walking with one only in his Company, and without any Weapons; and after ſome ſpeeches had paſſed between them, *Ogle* told the Plaintiff he *Lied*, and *Lied in his Throat*; and the Plaintiff thereupon hitting him in the face with his Gloves, *Thomas Ogle*, Arm'd with a Dagger, Sword, and Piſtol, and having a Riding Rod in his hand, ſtruck the Plaintiff therewith over the face; and then he, the other Defendants, and others drew their Swords, aſſaulted, and wounded the Plaintiff in the head, and cut him through the *Pericranium*, and Scul, ſo that three or four pieces of the Scul were taken out; and he was a year and half before he was perfectly Cured. And for this the three *Ogles* were committed to the *Fleet*, fined 500 *l.* apiece, bound to their good Behaviours two years, and acknowledge their offences, and ask the Plaintiff forgiveneſs in this Court, and pay the Plaintiff 1500 *l.* damage.

Wingfield *Mil. verſus* Ogle *Armig. & al.*

Riotous aſſault and wounding the Plaintiff.

1500 *l.* damag.

The Defendant upon the Hearing, being for matters Civil and Criminal, was ordered to pay unto the Plaintiff 31 *l.* 4 *s.* which was due from one *Howes* to *John Turney*, late *Felo de ſe*, upon a Bond of 60 *l.* for that he having poſſeſſed himſelf of the ſaid Bond, had received 24 *s.* Intereſt thereupon, and after delivered up the Bond to be Cancelled, and taken a new Bond for the Debt in his own Name: And time was given him to ſhew

Eleemoſynarius *Regis verſus* Turney.

ſhew cauſe, why he ſhould not alſo ſatisfie the Plaintiff other Debts alſo, which he confeſſeth he did owe the *Felo de ſe*; but ſaith, and proves not, he ſurrendred Lands to him to ſatisfie thoſe Debts in his Life-time.

Barker *verſus* Hamond & *al.*

The Defendants *Hamond* and *Detton*, in contempt of an Order of the Court of Wards, came into the Field where the Plaintiff had Corn cut, and ready to be carried, and being Armed, *Hamond* with a Bill, and *Detton* with a Sword and Pitch-fork, and being accompanied alſo with one *Myſey*, armed with a Sword and Piſtol, gave out that the Plaintiff ſhould fetch no Corn there, and as the Plaintiff was coming to fetch ſome of the Corn, *Myſey* ſtanding at the Gate where he was to come in, and *Hamond* and *Detton* being within the Ground, told the Plaintiff he ſhould fetch no Corn thence, and *Myſey* ſwore, if he came in, he would ſhoot him with his Piſtoll, the Cock whereof he pulled up, and preſented it to the Plaintiff. And the Plaintiff coming another time to fetch ſome of the Corn, being cut by *Hamond*'s Servants, *Hamond* beat the Oxen with a Pitch-fork, and wounded them ſo, as the Plaintiff could have none of the Corn. And for this, *Hamond* and *Detton* were committed to the *Fleet*, fined 40 *l.* apiece, and 20 *l.* Damages to the Plaintiff.

Riot.

20 *l.* damage.

Dunne *verſus* Rea & *al.* Riotous taking a Poſſeſſion.

Two of the Defendants, on behalf of the Defendant *Watmore*, entred into a Houſe wherein two of the Plaintiff's Children were keeping the Poſſeſſion, and then Riotouſly with Weapons, having firſt Lock'd up the Doors, kept the Poſſeſſion from the Plaintiff, and reſiſted them that offered to come in for the Plaintiff, ſaying, *None ſhould come in but upon the ſharp:* And then *Whitfield*, another of the Defendants, came to the Houſe armed, and his entrance being withſtood by the Plaintiff's Wife, he ſhouted, and thereupon the other Defendants came preſently to him: And upon their coming, *Jo. Rea*, being a Conſtable, bid the other Defendants take the Plaintiffs Wife from the Door, or knock her down; whereupon they ruſhed her from the door, and *Whitfield* got into the Houſe to help keep the poſſeſſion: And *Jo. Rea*, to oppreſs the Plaintiff, procured him to be Arreſted in an Action of 100 *l.* and kept in Priſon three nights, at the Suit of one *Weſt*, but without his privity or allowance; and when the Plaintiff had given Bail to that Action, he cauſed him to be again Arreſted in another Action of 100 *l.* at *Weſt*'s Suit without his privity or allowance, and then gave out, that he had ſeveral other Writs to charge him withal, which he would lay upon him as ſoon as he was enlarged, if he would not yield to ſuch Articles as the ſaid *Rea* would propoſe; which were, that he ſhould releaſe ſeveral Bonds, and all the perſons that had forcibly taken his Poſſeſſion, and give ſecurity to pay *William Weſt* ſuch Money as he ſhould demand of him. And *John Rea*, at ſuch time as *Nathanael Dunne* was giving evidence againſt him, at a Quarter-Seſſions, upon an Indictment for the King, did interrupt him, pinched him backward, and ſtruck him on the Arm with his hand, and thereby enforced him to go away without giving Evidence. And for theſe offences the Defendants were all committed to the *Fleet*, bound to their good Behaviours; *Jo. Rea* fined 200 *l.* four others 40 *l.* apiece, and two more 20 *l.* apiece.

Oppreſſion by Arreſts in other mens names without their privity.

Diſturbing and driving away the Kings Witneſs at a Quarter-Seſſions.

The

Pas. 9 Car.

Webster *versus* Lucas. Libellous Letters.

The Defendant, bearing malice to the Plaintiff, procured a Libellous and Scolding Letter to be written to the Plaintiff, and then to be written over by a Scrivener's Boy, and sent him by a Porter, the Letter being subscribed *Joan Tell-Troth*; and published this Letter in several Taverns and Ale-houses, and to several persons in disgrace of the Plaintiff, whom in the Letter she often termed *Scoggin*, with other disgraceful Names, and the Plaintiffs Wife *Jezabel*, and *the Daughter of Lucifer*, with other Invective terms; and also caused another like Scandalous and Invective Letter, subscribed *Tom Tell-Troth*, to be written, and sent to the Plaintiff. And therefore she was committed, fined 40 *l.* bound to her good Behaviour, to be Duck'd in a Cucking-stool at *Holborn-Dike*, make an acknowledgment of her offence at the Vestry, and pay the Plaintiff 20 *l.* damage.

20 *l.* damage.

Stephenson *versus* Turner *& al.* Forcible Entry, and detaining a Possession.

The Defendants, being Armed, made several Riotous Entries into the Plaintiffs House and Land, and forcibly disturbed and detained his peaceable Possession thereof, after he was restored thereunto by the Justices of the Peace. And for the same they were all committed to the *Fleet*; *Richard Turner* fined 50 *l.* and two others the like Fine, and seven others 20 *l.* apiece; and five of them to be bound to their good Behaviours, before the Justices of Assize, by the space of a year.

Nota.

All these Defendants were formerly Indicted at a Quarter-Sessions, for the same forcible detaining of the Possession, and upon their Travers fined for the same.

Trin. 9 Car.

Briggs *Armig. versus* Littlehales *& al.* Riotous killing the Plaintiffs Deer. 80 *l.* damage.

IT did appear by Circumstances (but no direct proof) that the Defendant *Richard Littlehales* Senior, and *Richard Littlehales, alias, Bristoe* were guilty of unlawful Hunting, and killing of the Plaintiffs Deer. And therefore they were committed to the *Fleet*, fined 100 *l.* apiece; bound to their good Behaviour, and pay the Plaintiff 40 *l.* apiece damages.

Darby *Countess Dowager versus* Baker *& al. Inhabitants of* Woxbridge *in Com. Mid.*

An Award touching *Woxbridge.*

The Defendants being charged with several offences touching the taking and receiving the Tolls and other profits of the several Fairs and Markets kept in the said Town, which they claimed as belonging to them, as Burgers there, and which the Plaintiff claimed to belong to her as Lady of the Mannour. The matter was referred to the Award of the Earl of *Manchester*, Lord Privy-Seal, the Earl of *Bridgewater*, Mr. *Noy* the Kings Attorney, and Sir *John Banks* Knight the Province Attorney, who certified the Court, That the said Town of *Woxbridge* was no Corporation; and that neither the Defendants, nor any other of the Burgagers of that Town ever had any right to any the Tolls, Liberties or Franchises within the said Burrough, but by the permission of the Plaintiff, or former Lords and Ladies of the said Burrough for the time being: And that the Plaintiff is seized of the Mannour of *Colham*, and of the Burrough and Town of *Woxbridge*, as a Member thereof; and of the Fairs, Markets, Tolls, and other profits incident, or belonging to the said Fairs and Markets; and that the Choice of the Bailiffs there

doth belong to the Plaintiff, who may remove them at her pleaſure. All which the Defendants acknowledged, and promiſed obedience for the future. And therefore the Committee held fitting the Defendants ſhould pay the Plaintiff 200 *l.* in recompence for the Tolls, and other Profits by them received, and for her Coſts of Suit, and ſo the Bill to be diſmiſſed hence; which this Court Decreed to be performed *ut per Cur.* and the Defendants to pay a Fine of 20 *l.* to the King *pro Licentia Concordandi.*

Attorn. Regis ore tenus verſus Reignolds.

Scandal of the Lord Biſhop of *Cheſter.*

The Defendant framed, and wrote a witleſs, and malicious, Libellous Letter, directed to Mr. *Brooks*, a Proctor, at *York*, and *Thomas Squire*, a Clerk in the Office of Conſiſtory at *York*, or to either of them, wherein was contained, *That the Biſhop is ſo ſtrong, that if Bribery will be taken, you muſt lie all along,* (*becauſe the Biſhop ſhits Warrants at every door*) meaning thereby the Biſhop of *Cheſter*; and ſent that Letter to them to *York* by one *Markland*, and *Markland* delivered it to one *Leigh*, who brake it open. And for this malicious Libel the Defendant was committed to the *Fleet*; fined 500 *l.* and be ſet on the Pillory at *Wigan*, *Lancaſter*-Aſſizes, at the City of *Cheſter*, with a Paper on his head, Inſcribed with words declaring the nature of his offence, and at each place publickly, and penitently acknowledge his offence, and Scandal of the Biſhop in ſuch manner as it ſhould be penn'd, and delivered unto him.

Bulkly *Arm. verſus* Biſhop *& al.* Pulling up the Pump, or Sluce of a Fiſh-Pond.

The Defendant *Rowley*, in *March 6 Car.* deſpitefully and maliciouſly took away the upper part or Cap of the Pump or Sluce of the Plaintiff's Fiſh-pond, and threw the ſame into the Pond, and thereby a great part of the water of the Fiſh-pond did run out, whereby the Fiſh therein might (as the Court conceived) have come to have been utterly ſpoiled, and deſtroyed. And therefore the Defendant was committed to the *Fleet*, and fined 100 *l.* to his Majeſties uſe.

Attorn. Regis per Rel. Kent *Mayor of Lincoln verſus* Fowkes *Gent.* Contempt of Proclamation and Orders.

The Defendant, in contempt of his Majeſties Proclamation, and Book of Orders, whereof he had notice, and in contempt of ſeveral Orders made by the Relator, then Mayor of *Lincoln*, and other the Juſtices there to reſtrain him from ſelling any Corn, or Mault out of the Market, or in any other Market than *Lincoln*, and to injoyn him to bring both Mault and Corn weekly into the Market, and to ſell it as the Market would afford, he having then 400 Quarters of old Mault in ſtore, and 300 Quarters of Barly, which he bought out of the Market-ſtanding: and alſo to prohibit him from Maulting any more at that time, did not bring above ſix Strikes of Barley into the Market from *October* the ſixth until *Auguſt* following; but did buy ſeveral Quantities of Barley himſelf out of the Market, as it was coming to the Market, and Maulted above 200 Quarters, and continued Maulting from *October* the ſixth till *Whitſontide* following; yet in all that time did not ſell above twenty Quarters of Mault in the ſaid Market of *Lincoln*; but many times ſent Mault to the Market by his Servant, and ſet ſo great a Price upon it, that he ſometimes carried it away unſold, and refuſed 36 *s.* and 38 *s.* a Quarter; and being asked, Why he would not ſell at the Maket-price? He ſaid, The Mayor and Juſtices had injoyned him to bring his Corn to the Market, but they ſhould not, nor could not ſet a price on it; but he ſold twenty Quarters of Mault at *Newark*-Market to a Common Badger, and

Refuſing to furniſh the Market with Corn in a time of Want.

and ſeveral Quarters of Malt out of the Market to Ale-houſe-keepers, and other Cuſtomers weekly. And for theſe Contempts, and breach of the Proclamation and Orders aforeſaid he was committed to the *Fleet*, fined 1000 *l.* and to acknowledge his offences before the Juſtices of Aſſize, Mayor, Magiſtrates, and Juſtices at the Aſſizes to be held for the City of *Lincoln*; and the like acknowledgment at the Aſſizes to be held for the County of *Lincoln*, and 200 *l.* damage to the Relator for proſecuting this Cauſe, and defending another vexatious Cauſe proſecuted here againſt him by the ſaid *Fowkes*.

Tri. 9 Car.

Buying and ſelling Corn out of the Market. Malting contrary to Direction and Order of the Juſtices. 200 *l.* damage.

The Defendant, out of malice to the Plaintiff, for that the Plaintiff would not let him hold certain Lands, which the Plaintiff had in Farm, pretended that he had loſt two Sheep, and that the Plaintiff had ſhorn them among his Sheep, and marked them with his Mark; and to be revenged on the Plaintiff, he preferred an Indictment of Treſpaſs againſt him at the Quarter-Seſſions, at *Tenterden*, for taking away his Sheep, and Wool; and in the Afternoon of the ſame day, at the ſame Seſſions, he preferred another Indictment of Fellony to the Grand Inqueſt againſt the Plaintiff for ſtealing two of his Weathers, Price 20 *s.* and 16 pounds of Wooll, Price 16 *s.* of the ſaid Defendants Goods; and did there give Evidence, that the Plaintiff had ſhorn five of his Sheep, and marked them with the Plaintiffs own Mark: That three of the Sheep came home again; and that the Plaintiff kept, and conveyed away the other two, and the Wool; Yet upon this Indictment the Inqueſt returned *Ignoramus*. And in *December* following, as the Plaintiff, being one of the Jurats of *Tenterden*, was ſitting at the Bench with the Mayor and Jurats, the Defendant publickly charged, and accuſed the Plaintiff of Felony, for ſtealing his Sheep, and Wool, and preſſed the Mayor and Jurats, either to commit him, or bind him over to the next Seſſions to anſwer the Felony: And thereupon the Defendant having put his Accuſation in Writing, and ſet his hand to it, the Defendant was bound over to anſwer it at the Seſſions, and there the Defendant preferred the like Indictment, and gave the like Evidence as before; and brought three Fleeces of Wooll, which he pretended were ſtolen by the Plaintiff, and ſent home again unto him, into the Court, and ſhewed them to the Mayor, Jurats, and Grand Inqueſt, and then laid them on the Bank before the Seſſions-Door, the more to Traduce the Plaintiff; yet the Inqueſt then returned *Ignoramus*. And in farther diſgrace of the Plaintiff, the Defendant afterward hung ſome Wooll upon a Tree near the High-way, before the Plaintiffs Dwelling-houſe in *Tenterden*, Tied about with a Rope or Halter, and faſtned to the Tree, as if it had been Wooll ſtolen by the Plaintiff. And the Defendant in ſcoffing manner told one of the Neighbours, that he heard the Plaintiff had a Tree that bare Wooll, and wiſhed he had a Graft of that Tree, and that the Plaintiff could not chooſe but be rich having ſuch a Tree; and told another Neighbour, that there was a Tree before his Friend ſheep-ſtealers Houſe that bare Wooll, and wiſhed him to get him a Graft. And the Defendant framed another Libel againſt the Plaintiff, containing, *Free-gift Stace, beware of Sheep, for he did take, drive away, and ſhear the Wooll, ſteal, and bear it away in the year* 1628. and this Libel he fixed to a Turn-pike in the Foot-way between the Plaintiffs Houſe, and his Pariſh-Church, where it was found by a Neighbour. And the Defendant reported that he would have a ſtanding made to ſell Wooll upon *Tenterden*-Fair-day, before the

Stace *verſus* Walker.

Practice to defame the Plaintiff by accuſing and Indicting him for ſtealing Sheep and Wooll.

Libellous hanging Wool on a Tree with a Halter before the Plaintiffs door.

Libel.

Plaintiffs Dwelling-houſe, and went to borrow Boards for that purpoſe, and offered one mony to ſell Wooll there, being about half a Mile from the place where the Fair was uſually kept: and in farther purſuance of the Defendants malitious intention to defame the Plaintiff, he cauſed two other Bills of Indictment to be preferred againſt the Plaintiff for the ſame Felonies, at a Seſſions held at *Canterbury* twenty Miles off, and there gave the like Evidence as before; and thereupon, in the abſence of the Plaintiff, the Inqueſt returned on both Bills, *Billa vera*; and the Plaintiff being at the next Seſſions Tried thereupon, was, notwithſtanding the falſe and malitious Evidence then given againſt him by the Defendant, and others, acquitted: and for theſe Offences the Defendat was Committed to the *Fleet*, during life, Fined 1000 *l.* be ſet on the Pillory at *Tenterden* before the Plaintiffs door, and at *Canterbury* at the Seſſions with a Paper on his head declaring his Offence, and at each place acknowledg his Offence, and have an Ear cut off: to be tied to the Tree where he hanged the Wooll a whole day, with the Wooll about his Neck; be ſet in the Pillory at *Maidſtone* with the like Paper on his head, and there acknowledg his Offence, and pay the Plaintiff five hundred Marks damage.

Five hundred Marks damage.

Orders Decreed upon the Motion of His Majeſties Attorney General touching Sope, and Sope-Boilers, ut ſequitur.

Attornat. Regis. verſus Sope-boilers.

I. THAT the Governour, Aſſiſtants, and Society of the New Corporation of Sopers of *Weſtminſter*, ſhall uſe all diligence to proſecute their Undertakings with His Majeſty for Eſtabliſhing that Work, wherein this Court will give Aſſiſtance from time to time.

II. That that Company ſhall the laſt day of every *Michaelmas* and *Eaſter*-Term, and oftner if it ſhall be required, make true Certificate into this Court, under the Hands of the Governour and Eſſay-Maſter, and two of the Aſſiſtants at the leaſt, of the goodneſs of their Sope, and whether the Standard be duely renewed, and the Sope made according to the goodneſs of that Standard.

III. That the Eſſay-Maſter do diligently attend, and juſtly and faithfully Search, and Mark all Sope, which ſhall deſerve to be ſo Marked, and refuſe to Mark all ſuch Sope as ſhall be defective in ſweetneſs or goodneſs, and not anſwerable to the Standard; and that no Sope-maker whatſoever put any Sope to Sale, which is not ſo Marked, and of like goodneſs with the Standard. Nevertheleſs, if hereafter it appear to the Court, that for inferior uſes, or other uſes than Waſhing of Linnen, there be cauſe to make Sope of leſs goodneſs and ſweetneſs, and of a lower price, this Court will ſo Order the making and uttering thereof ſo, as that it ſhall not be an Evaſion for the making and uttering of Sope contrary to the meaning of His Majeſty and this Court, and to the abuſe of the Subject.

IV. That no ſoft Sope be hereafter uttered or ſold by any Sope-maker, their Factors, Workmen, or Servant, for above 3 *l.* 4 *s.* the Barrel, which is 3 *d. per* Pound, under penalty of being puniſhed in this Court,

Court, for an oppreſſour of the Kings Subjects. Nevertheleſs the Court reſerves power to Increaſe the Price hereafter, if the Price of Materials increaſe. *Tri.* 9 Car.

V. That no perſon or perſons, who on the 22. of *November* laſt did not uſe the Trade of Sope-making or Sope-boiling for themſelves, nor any perſon or perſons, who by reaſon of their Profeſſion or Apprenticehood are capable of uſing their Trade, ſhall continue, or ſet up the ſaid Trade directly, or indirectly, till this Court ſhall (upon examion of the true ſtate of each particular mans Caſe, that deſires, or intends to ſet up ſuch Trade) receive ſatisfaction of the juſtneſs of his pretences to uſe that Trade; of the conveniency and fitneſs of the place where he intends to uſe and exerciſe the ſame; and that he doth not colourably pretend to uſe that Trade for himſelf, and his own uſe, when in ſubſtance he uſeth it for the benefit of the Sope-boilers, diſabled by this Court; and this to continue until this Court give further Order to the contrary.

VI. The Servants and Workmen of the Sope-boilers diſabled, recommended to the Governour and Company of New Sope-boilers to Employ them in their Works, in ſome convenient manner for their Livelyhood, elſe this Court will take a fit courſe for them.

VII. That the Eſſay-Maſter and Searchers, and their Deputies ſhall, from time to time, Execute their Offices, and that with a Conſtable, when they think fit to require it, by going into the Houſes, Work-Houſes, or Cellars of thoſe, who ſhall be Makers of Sope, to ſearch for all Sopes made, and for Oyls and other Materials provided for making Sope; and to Eſſay the Sopes, Oyls and other Materials; and that none oppoſe, hinder or delay ſuch Search to be made, and Eſſay taken.

VIII. That the New Company of Sopers do erect, and continue their Work-houſes for Sope-making, in, or within one Mile of the City of *London* and *Weſtminſter*, and no other Sope-boiler to erect any other Work-houſe, or place for making or boiling of Sope, but within *London*, *Weſtminſter* or *Briſtol*, or within one Mile of thoſe Cities; or in ſuch other place or places, as this Court ſhall upon other good Reaſons firſt approve of and allow: and the Governour, Eſſay-Maſter, or New Company of Sopers to have notice where their Work-houſes are, or ſhall be erected, before they uſe the Trade there.

IX. That all Sope-boilers and Sope-makers, not being of the New Company, ſhall be under the Survey, Rule, Order and Government of the ſaid Company and Officers thereof; ſo far forth only as concerns the Trade and true making of Sope, and not otherwiſe, or to any other purpoſe, without their own free conſents thereto:

X. That the Governour, Aſſiſtants, and Fellows of the New Society of Sope-makers, ſhall henceforth, from time to time, take care, that there ſhall be and continue of the ſaid Society thirty perſons at the leaſt.

XI. And

XI. And Laſtly, That if any perſon ſhall Offend againſt any thing therein Contained, Ordered, and Decreed; every ſuch perſon ſhall incur and undergo ſuch Impriſonment, and other puniſhment, as this Court ſhall hold fit, and inflict for the ſame.

Mich. 9 Car.

Attornat. Regis ore tenus ver. Sandford *Arm. & al.* Tranſporting of Wooll *cont. Procl.*

THE Defendants *Sandford* and *Hills* being Partners, cauſed ſeventeen Packs of Wooll to be ſent Over-Sea to *Diep*, and there ſold by the Defendant *Webb*, who was ſent over to *Diep* for that purpoſe; and all theſe ſeveral parcels of Wooll were Shipped and carried away, part by the Defendant *Rowland*, and part by *Shipwright*, and was laden in the Night-time, at an unuſual place, from a Marſh-houſe of the Defendant *Sandfords*, and carried over Uncuſtomed and Uncocketted, and there ſold by the Defendant *Webb*; and for theſe Offences, Contempts to His Majeſties Proclamation Prohibiting the Tranſportation of Wooll, and deceits of His Majeſty in his Cuſtoms, carrying it away Uncocketted, and Lading it at an unuſual place; they were all Committed to the *Fleet*; *Sandford* and *Hills* Fined 400 *l.* apiece for Tranſporting Wooll, 400 *l.* apiece for deceiving the King of His Cuſtoms, and 400 *l.* apiece for ſending away their Goods Uncocketted: and Mr. *Sandford* to be bound with Sureties, that no Commodities ſhould thereafter be Laden or Shiped from the ſaid Marſh-houſe: *Webb* for being aiding, privy or conſenting thereunto, Fined five hundred Marks; and *Rowland* and *Shipwright* for carrying away the Wooll in their Barks Uncuſtomed, and Uncocketted, and Lading it at an unuſual time and place, Fined 200 *l.* apiece, and bound with Sureties never to Offend ſo again.

Deceiving the King of His Cuſtoms. Tranſporting Goods Uncocketted.

Attornat. Regis verſus Cox Tranſporting Fullers Earth.

Robinſon *Arm. ver.* Stafford *Arm. & al.*

Stafford bearing malice to the Plaintiff, vowed revenge, and to give him a Knock when he met him; acquainted Dr. *Scott* with the difference, and his determination, and *Scott* knowing that Mr. *Stafford* would be at the Bull in *Stamford* the fifth of *September*, ſent for the Plaintiff to meet him the ſaid Dr. *Scott* there that day, upon pretenſe of buſineſs: and at his coming thither they went, and ſate together in a Room, and the Defendant *Nanton* came to him; and at length Mr. *Stafford* came to the ſaid Inn, and inquired for the Doctor, and being told that the Doctor and the Plaintiff were above together; *Stafford* ſaid the Plaintiff was a Raſcal Rogue, and ſo went up the Stairs to them, and at his coming whiped the Plaintiff with a Horſe-Whip before he could riſe, and then with the great end of his Whip, having an Ivory-handle, ſtrook the Plaintiff ſeven or eight blows on the Head, and brake his Head in divers places, and then offered to draw his Sword, but was prevented by *Nanton*, who was ſent thither by *Stafford* to keep them Company till he came, and from that time *Scott* neglected the Plaintiff, and never offered to viſit him, whilſt his Hurts were dreſſing: and for this the Defendants were all Committed to the *Fleet*: *Stafford* Fined 1000 *l.* *Scott* 500 *l.* and *Nanton* 100 *l.* *Stafford* to pay the Plaintiff 500 *l.* damages, and at *Northampton*-Aſſizes publickly acknowledg his Offence, and ask the Plaintiff forgiveneſs, the Judges and Juſtices ſitting.

Beating a Gentleman with a Horſe-Whip; and inticing him to an Inn for that end, under pretence of Buſineſs.

Five hundred pound damage.

The

Mi. 9 Car. Read *Gen. ver.* Bent *Gen.*

The Defendant *Bent* being *Feodarie* of *Leiceſterſhire*, and an Office being to be found within that County; the Heirs Evidence was by his means rejected, and not allowed to be taken; ſo that an *Ignoramus* was then found, and after the Heir was forced to attend four ſeveral times, at ſeveral places, about the finding of an Office, but no Office could be found, until the Heir being adviſed to give the Defendant 10 *l.* to let the Office go fairly on; one of his Friends offered him 5 *l.* for that purpoſe, but the Defendant would not, unleſs he would give one *Fawlkner*, his late ſervant 10 *l.* which 10 *l.* was afterward paid to the Defendant, and as he appointed (but all for his uſe) although part was paid to one *Alſop* as for Charges: and after all the mony paid, the Heirs Lands were found to be held in Socage. And another Office being to be found after the death of the Lord *Beamont*; the Defendant was promiſed 20 *l.* to ſuffer an Office to paſs, and for his Fees and Pains thereabout; 10 *l.* whereof he received, and threatned to take a Courſe in Law for the other 10 *l.* if it were not paid: and the Defendant took 18 *l.* to free one *Clark*, His Majeſties Ward, both of his Wardſhip, and all trouble thereabout: and after the death of one *Sacheverell*, an Office was found by the Defendants Privity and Conſent, that all the Lands whereof he died ſeiſed were held in Socage, and for that Office the Defendant demanded 40 *s.* as a due Fee, and was paid it: yet afterward the Defendant, without giving any notice to the Heir, found another Office; that *Sacheverell* died ſeiſed of Lands held by *Knights* ſervice (another man being in truth Seiſed thereof to his own uſe, at *Sacheverells* death) and then the Defendant corruptly offered to deliver up that Office to the Heir, if he would give him 100 *l.* and twenty Marks for Charges: and for theſe Extortions and Fiſhing for a Bribe, the Defendant was Committed to the *Fleet*; Fined 1000 *l.* and diſabled to Execute his Place or Office of *Feodarie.*

Extortions in a *Feodarie.*

Attornat. Regis ver. Bent *Gen.*

The Defendant being *Feodarie*; upon the finding of an Office after the death of one *Mitchell*, did take, by way of agreement before hand made, 8 *l.* for his favour therein, beſides 6 *l.* for Charges, and ſo by the Office found by the Defendants ſufferance, the Lands were found to be held in Socage: and upon finding an Office after the death of one *Feare*, the Defendant fiſhed for a Bribe of one hundred Marks to free the Heir from being Ward; and after the Lands were found to be held in free Socage, and the Defendant took 3 *l.* for his and the Eſcheators Fees, and a Bond to pay twenty Marks to one *Alſop* (but in truth for the Defendants uſe) and after the death of one *Wakelin* an Office was found, that he died Seiſed of Lands held in *Capite*, and his Son under Age (his Son being in truth twenty two years Old) and his Wife Joint-purchaſer with him: and the Defendant being told that he was twenty two, delivered up that Office, but told him it coſt mony, and by that means got 40 *s.* from the ſaid *Wakelins* Son. And after the death of one *Armeſton*, an Office was found, that the Lands whereof he died ſeiſed were held in Socage of the Earl of *Stamford*, and 40 *s.* was tendered to *Bent*, and he, being not therewith contented, had 3 *l.* given him: and yet afterward upon his own Evidence, without giving notice to the other ſide to attend the Defendant, procured another Office to be found, that *Armeſton* died ſeiſed of ſome Lands held by *Knights* ſervice, one of the Jury being gon, and neither the Sheriff, nor Under-Sheriff there. And

Extortions and Oppreſſions by colour of his Office of *Feodarie.*

An Office delivered up to the Party, when a Tenure was found for the King.

And an Office being to be found after the death of one *Reade*, the Heirs Witneſſes attended at the day, and place appointed, but the Defendant told them they needed not to attend, for nothing would that day be done; and thereupon, and upon notice given them that the Jury was diſcharged, they went out of Town, and when they were gone, the Defendant upon his own Evidence, and without any Evidence on *Read's* part, and about Sun-ſet that day, found an Office, that *Read* died ſeiſed of ſome Land *in Capite*, and upon this ſurreptitious Office, Proceſs Iſſued out of the Court of Wards, and *Reade* the Son was Arreſted for 127 *l.* mean Rates, when as in truth *Read* the Son was ſeized of thoſe Lands before, and at the death of his Father, and not *Read* the Father. And for theſe offences he was committed, fined 1000 *l.* and diſabled ever to execute the Office of Feodarie, Coroner, or Eſcheator of any County.

Bernard *verſus* Stafferton *Gent. & al.*

Practice to get the Plaintiff out of Poſſeſſion by a Suit Commenced, Arreſt and Judgment entred by conſent, without the Plaintiffs privity.

100 *l.* damage.

The Plaintiff being ſeized in Fee, acccording to the Mannour of *Hall-Place* in the County of *Southampton* of a Meſſuage called *Hornes*, and of certain Lands and Cloſſes there; the Defendant *Stafferton*, being Lord of the Mannour, pretended Title thereunto, ſuppoſing it was Eſcheated; and the Defendant *Greenway* alſo pretended Title thereunto in right of his Wife: And thereupon the Plaintiff to clear his Title commenced a Suit in *Chancery* againſt them both, which coming to Hearing, a ſpeedy Trial at Law was directed, and the Plaintiff to keep the Poſſeſſion till *Greenway* recovered it by Law. Then the two Defendants combine together, and reſolve of a courſe to overthrow the Plaintiff's Title, but not *Greenway's*, and to turn the Plaintiff out of poſſeſſion, which they thus effected: *Stafferton*, by *Greenway's* conſent, made a Leaſe to one *Stone* to try the Title upon a ſuppoſed Eſcheat, and *Greenway* by like conſent then enters, and becomes the Ejector, to the end a Suit might be brought privately, and the Plaintiff never know of it: *Greenway*, before the Leaſe ſealed, procured a Writ againſt himſelf, as the next Ejector, got himſelf Arreſted thereupon in *Stafferton's* preſence, and *Stafferton*, being Plaintiff in the Action, became his Bail: And upon his appearance, by like Agreement *Greenway* confeſſed a Judgment, and thereupon a Writ of Execution was Awarded, and the now Plaintiff's Tenant put out of Poſſeſſion, and the Poſſeſſion given to *Stafferton* and his Leſſee; and *Stafferton* having by this indirect means gotten the Poſſeſſion, he alſo poſſeſſed himſelf of the Plaintiff's Goods. And for this lewd practice they were both committed to the *Fleet*; *Stafferton* fined 1000 Marks, *Greenway* 200 *l.* both bound to their good Behaviour during their lives; pay the Plaintiff 100 *l.* damages: *Stafferton* to ſtand on a Stool at *Wincheſter* Aſſizes with a Paper on his Head declaring his offence, and there make an acknowledgment thereof, the Decree being read; and *Greenway* to be ſet in the Pillory at *Weſtminſter* with the like Paper, and at *Wincheſter*, where he was alſo to be well whipp'd.

Attor. Regis verſus Bowyer.

Slander of the Archbiſhop of *Canterbury*.

The Defendant, in ſcandal of the State, but eſpecially of the now Lord Archbiſhop of *Canterbury*, did, as himſelf confeſſeth, falſely, and meerly by the Inſtigation of the Devil, ſay and affirm in *Reading*, *That the Biſhop of Canterbury was confined to* Fulham-*Houſe*; *That he had twenty four of the Guard, twelve by Day, and twelve by night ſet to watch him*; *That his Confinement was for four Points of High Treaſon*; which he affirmed to be theſe: 1. *That the ſaid Archbiſhop was an Arminian.* 2. *That he had*

had ſent Letters to the Pope. 3. *That the Archbiſhop ſaid the Midwife of the Virgin* Mary *was a Mediatrix to our Saviour.* 4. *That the Virgin* Mary *was no Humane Creature.* And alſo affirmed, that he had ſeen four Letters written with the Archbiſhops own hand, which were to be ſent to *Rome*, two to the Pope, and two to Cardinal *Blunt*, the ſubſtance whereof was, as he affirmed, *That the ſaid Archbiſhop was ready to do for thoſe at* Rome *was at was in his power; And that they ſhould direct their Letters to the Queen of* Englands *Court; That the ſaid Biſhop would be an Agent for them to ſend Letters back again; That the Archbiſhop Preached a Sermon before the King in* Scotland, *that was fit to be preached before the Pope; and that he was reproved for the ſame in a Sermon Preached by Biſhop* Hambleton *before his Majeſty; That the Archbiſhop allowed* 500 *l. a year of his own Means to the Pope, and that* 17000 *l. a year was alſo allowed the Pope by his means.* And for this he was committed to *Bridewel*, there to be kept at Work, during his Life, and never ſuffered to go abroad, fined 3000 *l.* be ſet in the Pillory at *Weſtminſter*, a Paper on his head declaring his offence, and there acknowledge, and confeſs the ſame; be ſet in the Pillory in *Cheapſide*, with the like Paper, and there make the like ſubmiſſion and acknowledgment, and be burn'd in the Forehead with the Letters *L.* and *R.* and be ſet in the Pillory at *Reading*, with the like Paper, and both his Ears nailed thereto, and make the like ſubmiſſion and acknowledgment as before.

Mi. 9 Car.

A Commiſſion being gone forth, directed to the Lord Viſcount *Wentworth*, and others, to Compound with ſuch as deſired ſo to do, for their Contempts in not attending his Majeſty at his Coronation, to have taken the Order of Knighthood, as they ought to have done; and the Lord *Wentworth* being made Collector or Receiver of the ſaid Fines: The Defendant, Sir *David Fowlis*, at ſuch time as the Commiſſioners had ſummoned divers Gentlemen, dwelling near the Defendant, to attend them about their Compoſition for their Fines of Knighthood, endeavoured and practiſed what he could to oppoſe the Service, and to diſſuade and divert men from Compounding; and to that end declared publickly his diſlike and diſaffection of, and to that Service, and encouraged divers to ſtand out and refuſe to Compound. And farther to hinder the ſame he did, in Conference with divers Gentlemen thereabout, ſay, *That York-ſhire Gentlemen in times paſt had been accounted ſtout-ſpirited men, and would have ſtood for their Rights and Liberties, and were wont to be the worthieſt of all other Shires; and that in former times other Shires did depend, and would direct all their great Actions by that County; but in theſe days York-ſhire-men were become degenerate, more Daſtardly and more Cowardly than the men of other Counties, wanting their wounted Courage and Spirit:* And then extoll'd and highly commended one *Maleverer*, for denying to compound with the Commiſſioners, ſaying, *He was the wiſeſt, and worthieſt man in the Country, and that he was a brave Spirit, and true York-ſhire-man, and that none durſt ſhew himſelf ſtoutly for the good of his Country but the ſaid* Maleverer, *who was to be honoured therefore.* And farther to hinder that Service, alleaged, *That in other Shires the Fines advanced for Knighthood were not ſo high, as by theſe Commiſſioners in* Yorkſhire; *and that many in* Oxford *and* Buckingham *Shires utterly refuſed to Compound;* And he alſo blamed and reproved ſome who had Compounded, ſaying, *They had thereby done themſelves ſome wrong, and that the Country hereafter would be much troubled with ſuch Impoſitions.* And

Attor. Regis verſus Fowlis *Mil. & al.*

Undutiful oppoſing his Majeſties Commiſſioners for Compounding for Fines for Knighthood.

the ſaid Defendant, farther to beget and draw a general obedience in the People, and to draw a Scandal on the Lord *Wentworth*, and a diſeſteem of him in the hearts of the Gentry of that Country; the ſaid Defendant ſaid, *That* Yorkſhire-*men did adore him, and were fearful to offend his Lordſhip, but at Court he was no more reſpected than an ordinary man; and that as ſoon as his back was turned for* Ireland, *his Place of Preſidentſhip of the Council at* York *would be beſtowed on another.* And Sir *David Fowlis*, and the Defendant *Henry Fowlis* did publickly, in the hearing of divers Knights and Gentlemen, falſely ſcandalize and wrong the Lord *Wentworth*, by ſaying, and taxing him *to have received much Money for Knighthood-Fines, but had not paid the ſame to his Majeſty, or to the Exchequer.* And alſo, to the Scandal of his Majeſties Juſtice, and of the Lord *Wentworth*, and to diſhearten thoſe that were to Compound, they reported and gave out, *That when the Lord* Wentworth *was gone into* Ireland, *all ſuch as had paid their Fines to him (although they had his Lordſhips Acquittance for the ſame) yet they would, and ſhould be forced to pay the ſome over again to his Majeſties uſe.* The Defendant Sir *David* alſo publickly diſſuaded Sir *Thomas Layton* from yielding obedience to his Majeſties Letter ſerved on him, to appear before the Lord Preſident and Council at *York*, (the ſaid Sir *David* being then himſelf one of the ſaid ſworn Council, and by his Oath bound to maintain and uphold the Honour, and Liberties thereof to his uttermoſt) and in ſcorn and contempt of that Court ſaid, *It was but a Paper Court, and that the Lord Preſident and Council had done more than they could juſtifie in ſending for the ſaid Sir* Thomas Layton, *for that he was then High Sheriff of the County; and that if he were in in the Sheriffs Caſe he would not care a Dogs Turd for it.* And in farther diſgrace of that Court ſaid, *That the ſaid Council had nothing to do with a Juſtice of Peace, and that the Office of a Juſtice of Peace was above the Council at* York. And for theſe offences Sir *David* was committed to the *Fleet*, during the King's pleaſure, fined 5000 *l.* to acknowledge his offences in this Court, before the Council at *York*, and at the Aſſizes at *York*, and there the Decree to be read, made incapable to have or execute the place of a Counſellour at *York*, Deputy-Lieutenant, or Juſtice of Peace, and pay 3000 *l.* damage to the Lord Viſcount *Wentworth*; and *Henry Fowlis* was Committed to the *Fleet*, and fined 500 *l.*

Scandal of the Lord *Wentworth*, Lord Deputy of *Ireland*.

Scandal of his Majeſties Juſtice.

Contemptuous and Derogatory ſpeeches againſt the Council at *York*, whereof himſelf was then a Member.

3000 *l.* dam.

Hillar. 9 Car.

Attorn. Regis ore tenus verſus Moor *Armig.* Erecting new Buildings contrary to Proclamation.

THe Defendant, in contempt, and contrary to his late Majeſties Proclamation about 13 *Jacobi*, built in the Pariſh of St. *Martins* in the Fields upon new Foundations ſeventeen Coach-houſes, and thirteen Stables all of Timber, and continued the ſame to this day: And about the ſame time, in the ſame Pariſh he alſo new built ſeven other Houſes, two were upon old Foundations in part, and the other five on new Foundations, and proceeded to finiſh them, though whilſt they were in Building he was Inhibited by ſome of the Commiſſioners concerning Building, and theſe Houſes he ſtill continued ſtanding, and let out to Tenants: And in his now Majeſties time, and contrary to his Majeſties Proclamation touching Buildings, the Defendant in the ſame Pariſh pulled down certain Work-houſes, Coal-houſes, and low Brick Buildings,

Continuing of Houſes built contrary to King *James* his Proclamation.

Buildings, and in the ſame place ſet up five new Dwelling Houſes, whereof two were part upon old Foundations, the other three upon Back Buildings. And for this he was committed to the *Fleet*, fined 1000 *l.* and his ſaid Buildings ordered to be demoliſhed and pulled down to the ground, and he to cauſe it to be done by *Eaſter* next, or pay 1000 *l.* Fine more.

Hill. 9 Car.

Theſe were pulled down.

The Defendant, contrary to, and in Contempt of his Majeſties Proclamation to reſtrain the ſetting up of new Buildings in, and about *London* and *Weſtminſter*, did Erect and build a Houſe in *Lincolns Inn-Fields*, by *Lonches* Buildings, and then converted it into two Houſes, part of them being upon a new Foundation, and part upon the Houſe, or Yard of a Gun-Powder-Houſe, which was ſet up 39 *Eliz.* and this he did by the ſufferance of one of the Commiſſioners for Buildings, to whom the reſt referred it. Yet for his contempt and offence therein he was committed to the *Fleet*, fined 200 *l.* and ordered to demoliſh thoſe Houſes by *Eaſter* next, or be fined 200 *l.* more.

Attorn. Regis ore tenus verſus Smith. Buildings contrary to Proclamation. This Houſe was preſerved

Two of the *Ridleys* came armed to the Plaintiffs Barn-door, where his Threſhers were at work; one of them being armed with a Sword, the other with a Piſtol, and wiſhed the Threſhers to open the Door, which they refuſing, *Ridley* the Son preſented his Piſtol at them, and ſware he would ſhoot them if they would not open it, at laſt brake open the door, and entred with a Piſtol and Sword drawn, and by force thruſt the Threſhers out of the Barn, and kept the poſſeſſion all that day, till others came to them, and then one of them ſet a Lock on the door, and ſo all departed till the next morning, when they ſet Threſhers at work to Threſh out all the Corn in that, and other Barns of the Relators, and which ſtood in Stack in the Yard, and carried together with a great Quantity of Hay, which lay in another Barn, unto *Ridley*, the Father's Houſe. And at another time *Ridley* the Younger, with others of the Defendants Armed, entred into the Relators Tenants Houſe forcibly at a Window, which they cut down, threatned to ſhoot and run them thorow that were in the Houſe, and there they kept the poſſeſſion thereof by force; and the Relator coming thither to gain his Poſſeſſion, divers other Rioters Armed aſſembled to them, armed with Daggers and Swords; the Defendants alſo Riotouſly beat the Relators Tenant's Wife and Servant as they were Collecting of Tythes, and took the Tythes from them. And for this they were all committed, and bound to their good Behaviour, two fined 500 *l.* apiece, one 100 Marks, and ſix others 40 *l.* apiece.

Attorn. Regis per Rel. Apſley *Armig. verſus* Ridley *& al.*

Riot.

Damage and Poſſeſſion left to the Court of Wards to order.

The Defendant, being on Ship-board going beyond the Seas, wrote a ſcandalous Letter, full of provoking and diſgraceful Language, to the Earl of *Northumberland*, who was then attending his Majeſty into *Scotland*, and withal containing a Challenge, but appointed neither Time, nor Place, and this Letter he ſubſcribed with his Name, ſealed it up, and ſent it to the Earl without making any one acquainted with the Contents thereof. And this Letter the Court Adjudged to be both a Libel, and a Challenge; and therefore the Defendant was committed to the *Tower*, during his Majeſties pleaſure, fined 5000 *l.* bound to his good Behaviour during life, if ever he be enlarged, and forejudged never to

Attorn. Regis ore tenus verſus Apſley *Arm.* Libellous Letter and Challenge to the Earl of *Northumberland.*

come within the Verge of the King's Houſhold, ſaving in the time of his now Impriſonment; diſabled to have, or execute any Office, and to acknowledge his offence to his Majeſty, and the Lords in this Court upon his Knees, and then ask his Majeſty Pardon; and alſo to make ſuch acknowledgment and ſubmiſſion to the Earl of *Northumberland* in the preſence of the Earl-Marſhal, and ſuch others as his Lordſhip ſhall be pleaſed to call to him, and in ſuch ſort as the ſaid Earl ſhall direct.

Attorn. Regis verſus Hillyard *& al.*

The Defendant *Hilliard* having obtained a Commiſſion and Deputation from his Majeſties Commiſſioners to enter by himſelf and his Servants, and to work for Saltpeter in all convenient places within certain Counties therein named, by which Commiſſion it was provided, and he agreed, that he ſhould deliver all the Saltpeter he got to his Majeſties Powder-maker, for his Highneſs his ſervice, and ſhould not imbeazle, ſell, or otherwiſe diſpoſe of any part thereof to any perſon whatſoever, ſaving to his Majeſties Powder-maker. And his Majeſty by his Proclamation having alſo prohibited the making, buying, ſelling, or uttering any Saltpeter to, or for any other perſon, or uſe, than to his Highneſs his Pouder-maker, for his Majeſties uſe. The Defendant did ſet up ſeveral Works for Saltpeter in ſeveral Counties, where great Quantities were made, and contrary to his Majeſties ſaid Proclamation, and contrary to his ſaid Deputation and Commiſſion, the ſaid *Hillyards* Wife, and his Servants, by his, and his Wive's direction and allowance, did ſell divers great quantities of the Saltpeter gotten in his Majeſties Works to ſeveral perſons at 4 *l.* the hundred, and received Money for the ſame, part whereof the Defendant *Hugh Nichols* bought, contrary to his Majeſties ſaid Proclamation Dated in *April* 1 *Car.* And the Defendant *Hillyard* did not deliver in to his Majeſties Powder-maker the full quantity, which he Covenanted to deliver, to his Majeſties great prejudice, who was forced thereby to furniſh himſelf from Foreign parts at greater Rates, and to the hazard of the State, it being in a time of War and danger. And his Majeſties Commiſſioners taking notice of his abuſes, ſent Letters and a Command to the ſaid *Hillyard*, not to work any longer for the making of Saltpeter, but at his peril to give over to put in execution any part of his Deputation; yet the Defendant ſet up ſeveral Works in ſeveral places, in contempt of their Command, and alſo ſet up a Work in a County, where his Commiſſion did not extend to, and there took Carts to carry it, as for the King's Service, and yet ſold it to others, and it never came to the King's Store-houſe. And whereas Witneſſes were to be examined by Commiſſion out of this Court againſt the ſaid Defendants *Hillyard* and *Goodenough*, they perſwaded a Witneſs to forſwear himſelf, ſaying, *It was no offence to God to forſwear himſelf to ſave his Friand*; and that *Goodenough* would prove it by Scripture; and *Goodenough* perſwaded others not to appear at that Commiſſion to be examined, although they were Precepted; and told one of the Plaintiff's Witneſſes, *That a Friend to ſave a Friend, and a Kinſman to ſave a Kinſman might forſwear himſelf, and that it was no offence to God ſo to do*, and by ſuch like words and perſuaſions the Defendant *Hillyard* procured another material Witneſs of the Plaintiff's not to be examined againſt him, and they got divers others by Indirect means to ſet their Hands to a Note importing untrue Teſtimony. And for theſe offences *Hillyard* was committed during his Majeſties pleaſure, fined 5000 *l.* diſabled ever to be a Saltpeter-man, bound to his good Behaviour, and ſet on the Pillory

Buying and ſelling of Salt-Peter contrary to his Majeſties Proclamation.

Contempt of the King's Commiſſioners command.

Salpeter-man exceeds his Commiſſion to the abuſe of the Country.

Tampering with Witneſſes to forſwear themſelves, and ſo not to be examined.

at

at *Weſtminſter*, *Andover*, and *Chippingham*, with a Paper on his Head declaring his Offence, *Goodenough* Committed, bound to his Good Behaviour, Fined 1000 *l.* Set on the Pillory in the three places before-mentioned, with his Ears nailed, and a Paper on his Head declaring his Offence, and to be well whipped, and diſabled ever to be a Witneſs: and *Nicholas* Committed, and Fined 200 *l.* *Hi.* 9 Car.

The Defendant *Pryn* contrived, framed and wrote an Infamous, Scurrilous and Seditious Book and Libel, Intituled *Hiſtrio-maſtix*, *The Players Scourge and Actors Tragedy*; which indeed, as appeared upon Reading, ſeveral parts thereof contained divers and ſundry Libelous and Scandalous Imputations, and Unchriſtian Cenſures of all ſorts of His Majeſties people, of both Sexs, of this Kingdom, the Magiſtrates, His Majeſties Houſhold, His Majeſty and His Royal Conſort, the Queen; which are of ſuch nature as are not fit to be mentioned, and therein he doth caſt Perſonal Aſperſions on His Majeſty and the Queen, taxes the Government, and endeavours to infuſe ſo much Diſobedience and Sedition into the hearts of His Majeſties people, that he might juſtly have been dealt with as a Capital Offender. The Defendant *Buckner*, being Chaplain to the Late Lord Arch-Biſhop of *Canterbury*, Licenſed ſixty four pages of this to be Printed, *Sparks* Printed them, and *Pryn* and *Sparks*, after the ſaid Books were called in by Warrant from the Arch-Biſhop, publiſhed divers of them: and for this *Pryn* was Committed during life, Fined 5000 *l.* expelled the Houſe of Court whereof he was, Disbarred and Diſabled ever to exerciſe his Profeſſion of a Barriſter, to be Degraded by the Univerſity of *Oxford* of his Degrees there taken; and then to be ſet on the Pillory at *Weſtminſter* with a Paper on his Head declaring his Offence, and have one of his Ears cut off, after to be ſet on the Pillory in *Cheapſide* with the like Paper, and have his other Ear cut off, and then the Books to be caſt into a Fire there by the Hangman, to be burned, never to be ſeen by any, *Sparks* Committed, Fined 100 *l.* to ſtand on the Pillory in *Cheapſide*, with the like Paper; *Buckner* Committed and Fined 50 *l.* *Pryns* Affidavit taken off of the File, and he recommended to the High-Commiſſion-Court for farther puniſhment, for thoſe parts of the Book, which Scandal the Church.

Attornat. Regis verſus Pryn *Arm. & al.* Contriving, Licenſing, Printing and Publiſhing a Libelous and Seditious Book.

Paſc. 10 Car.

THE Defendant *Hawks* with others his Partners (who were now Witneſſes againſt him) made about 200 *l.* worth of Counterfeit Farthings, in Contempt of His Majeſties Proclamation, and contrary to the Common Law, in deceit of His Majeſties people, and prejudice of His Majeſties Patentees, who are bound to a continual Rechange: and for this he was Committed to the *Fleet*; Fined 200 *l.* and ſet on the Pillory at *Weſtminſter*, and in *Cheapſide* with a Paper on his Head declaring the nature of his Offence; and the two Witneſſes Ordered to be proceeded againſt by Mr. *Attorney General*, and after their Anſwer put in, to proceed to Hearing on their own Confeſſions in this Cauſe; and no man to pay above 2 *d.* in Farthings to any man, at any time; nor Buy any Farthings at any leſs Rate than they are uſually vented by His Majeſties

Crane *Mil. ver.* Hawks. Counterfeiting of Farthing-Tokens.

Nota.

ſties Patentees. If any offend in either of theſe kinds, this Court will ſeverely puniſh it.

Trinit. 10 Car.

Reeve & *al.* *ver.* Gray.

THE Defendant *Gray* having a deſire to gain the Inheritance of divers Lands, which the Plaintiff *Robert Reeve* had in Reverſion, prepared a Deed to that purpoſe, and tendred to the Plaintiff to Bail, which he refuſing, *Gray* cauſed him to be Arreſted upon Suſpition of Felony for ſuppoſed Stealing of a Shirt, the Shirt being in truth the Plaintiffs own Shirt, and after procured the ſaid *Reeve* to be Arreſted upon an Attachment of Priviledg, at his the ſaid *Grays* own Suit; that Attachment being in truth Sued forth againſt another man, an Eſquire of the ſame name, who lived in that County: and for this indirect Courſe to get the Plaintiffs Reverſion, the Defendant *Gray* was Committed to the *Fleet*; Fined 50 *l.* to the King, 50 *l.* damage to the Plaintiff, and diſabled to practiſe as an Attorney in the Court of Common-Pleas henceforth.

Miſdemeanor in Arreſting one upon a Writ Sued forth againſt another of the ſame name. Fifty pound damage.

Mich. 10 Car.

Vezey *Arm.* *ver.* Turner & *al.*

Turner and *Eldred*, being Cuſtomary Tenants to the Plaintiff, did unlawfully ſtir up divers Vexatious Suits againſt the Plaintiff being Lord of the Mannor, and to whom they owed Suit and Service: and *Eldred* proſecuted as an Attorney, ſeveral Suits againſt the Plaintiff in other mens names without their Warrant, and *Turner* did unlawfully maintain and bear the Charge of ſeven ſeveral Actions brought againſt the Plaintiff in other mens names. And the Defendants *Eldred* and *Turner* upon Trial of an Action againſt the Plaintiff, Unlawfully Tampered with the Jury; *Eldred* in the beginning of the Aſſizes deſiring one of the Jury to appear, and telling him the Iſſue was concerning the Reaſonableneſs or Unreaſonableneſs of a Fine of a Lord of a Mannor, and that it was every Tenants Caſe to conſider it; and *Turner* Supping with ſome of the Jury the night before the Trial, and beſtowing Drink, and other Courteſies on them; and the ſaid *Turner* and *Eldred*, and the other Defendants practiſed to Defeat the Plaintiff of the Wardſhip of a Ward by keeping him ſecret in their Houſes, and ſhifting him from place to place by night, and cauſing him to change his name, to the end he might not be ſeized by the Plaintiff, and after the Plaintiff had gotten him into his Cuſtody, perſuading him to leave the Plaintiff, and be ruled by them: and for theſe Offences the Defendants were all Committed to the *Fleet*; *Eldred* and *Thomas Turner* Fined 500 *l.* apiece: *Elizabeth Wace*, the Wards Mother 100 *l.* *Harriſon* and *William Turner* 50 *l.* apiece: the two firſt to pay the Plaintiff 100 *l.* apiece damage, and the two laſt 50 *l.* apiece, and all the Defendants to acknowledg their Offences at the Plaintiffs next Court-Baron holden at his Mannor, and alſo at the Aſſizes in *Eſſex*, the Judges ſitting: *Eldred* held fit to be Diſabled to Practiſe as an Attorney any longer, and the doing thereof left to the Lord Chief Juſtice of the Kings Bench.

Maintenance and Proſecuting Suits in other mens names.

Practice by Copyhold Tenants and ſtirring up of Suits againſt the Lord of the Mannor.

Three hundred pound damage.

The

Mi. 10 Car.

Sheldon *Vidua ver.* Sheldon *Gen. & al.*

The Plaintiffs Husband dying ſeiſed of certain Lands held in Free and Common Socage, and leaving her a Son under Age; and the Plaintiff after his Deceaſe being Poſſeſſed of the whole Eſtate; the one Moity in right of her Dower, and the other Moity as Guardian in Socage to her ſaid Son, during his Minority. The Defendants *William* and *Edward Sheldon*, knowing the Lands were all held in Free and Common Socage, did notwithſtanding, on purpoſe to wreſt the Poſſeſſion thereof from the Plaintiff, Exhibit a Petition to the Maſter of the Wards and Liveries, three years after the Death of the Plaintiffs Husband, ſhewing, that the the Plaintiffs Husband died ſeized of the Premiſes; and that the ſame were held of His Majeſty by Knights ſervice in *Capite*, and that his Heir was within Age, and on that Petition obtained a Writ of *Mandamus* to the Eſcheator to find an Office: and the Defendant *Atkins* being the Eſcheator, he called for the Writ, brought it down, and without giving any notice to the Plaintiff of the Execution thereof, and without making any Proclamation thereof in the County Court, as he ought, Executed the ſaid Writ at a place far diſtant and remote from the Premiſes; and thereupon the Defendant *William Sheldon* acknowledged to the Jury, that about half a quarter of an Acre of the Premiſes was held of His Majeſty in *Capite* by Knights ſervice, and without any other Evidence given or ſhewed, the Jury returned their Verdict, and an Office, which was brought thither ready drawn by the Defendant *Edward Sheldon* to that effect was Returned and Filed; and his Majeſty being thereby Intituled to the Wardſhip, the Cuſtody of the Plaintiffs Son was committed to the Defendant *William Sheldon* and his Wife upon a falſe pretence that the Plaintiff was a Recuſant, and the Plaintiff was turned out of the Poſſeſſion of the whole Eſtate: and for this Foul Practice the Defendants were Committed to the *Fleet*; *William Sheldon* Fined 200 *l.* *Edward Sheldon* 300 *l.* and *Atkins* the Eſcheator 100 *l.* and the two *Sheldons* Ordered to pay the Plaintiff 300 *l.* damages.

Practice to find an Office to Intitle His Majeſty to a Wardſhip by acknowledgment of a Tenure in *Capite* by Knights Service, Miſdemeanor in an Eſcheator finding an Office without giving notice to the Plaintiff or Proclaiming it in the County-Court.

Three hundred pound damage.

The Defendant *Henry Penny* having a Libelous Song, which he conceived was made in diſgrace of the Plaintiff, did, in the preſence of divers perſons Sing the ſaid Libel; and the Defendant *Henry Penny* finding the ſaid Libel folded up, opened, and Read the ſame; and ſhortly after meeting the Defendant *Holley* Produced and Read a Verſe of it to the ſaid *Holley*, and then laid it down upon a Table, and *Holley* took it up, and the next day delivered it to another man, whereby it paſſed from man to man, to the Scandal of the Plaintiff, by whom it was generally conceived to be intended: and for this they three were Committed to the *Fleet*, bound to their Good Behaviour; Fined 200 *l.* apiece, to pay the Plaintiff two hundred Marks damages. *Henry Penny* to ſtand on a Stool in the Church-Porch on a *Sunday*, while the Pariſhoners are coming to Church with a Paper on his Head declaring his Offence; and after Service, and Sermon ended, he, and the other Defendants to ask the Plaintiff forgiveneſs, and acknowledg their Offences.

Peyton *Cler. verſus* Penny *& al.*

Publiſhing a Libel.

Two hundred Marks damage.

A Fellowſhip in *Exeter*-Colledg in *Oxon* being void, into which no man could be Elected, except he were born within the Dioceſs of *Sarum*; and the Plaintiffs Son, and the Defendant *Thomas Hyde* both ſtanding for the ſaid Fellowſhip, moſt of the Fellows gave their Voice for the Plaintiffs Son, which the Defendants perceiving before-hand, although

Goddard *Arm. ver.* Hyde *Arm. & al.*

although they well knew that the Plaintiffs Son was born within the Dioceſs of *Sarum*, yet to prevent his Election, and to make him incapable of the ſaid Fellowſhip, *Humphrey Hyde*, Eſq; Father of the ſaid *Thomas Hyde*, went to the Defendant *Elizabeth Dixon*, being an Aged Midwife of about fourſcore years of Age, who had brought the Plaintiffs Wife to bed with ſome of her Children, but not of her Son that ſtood for the Fellowſhip, and inſinuating himſelf with her, perſuaded her that ſhe did bring the Plaintiffs Wife in Bed with that Son within the Dioceſs of *Winton*, and told her there was a Gentlewoman that liked her ſo well at that Labor, that ſhe would not be ſatisfied without ſhe the ſaid *Dixon* came to bring her to Bed alſo; and then departed, ſaying, that ſhe ſhould ſhortly hear from him again. And having thus prepar'd her; the ſaid *Humphrey Hyde* contrived and wrote a falſe Certificate purporting, that the Plaintiffs Wife was Delivered of her Son (that ſtood for the Fellowſhip) at *Eaſtwoodhay* within the Dioceſs of *Winton*; and ſent that falſe Certificate by the Defendant *Garret* to the Defendant *Farrant*, an intimate Friend of the Defendant *Dixons*, to get her the ſaid *Elizabeth Dixons* hand to the ſaid falſe Certificate; and the Defendant *Dixon*, by their perſuaſion did ſet her hand to the ſaid falſe Certificate; and *Garret* and *Farrant* ſet to their names as Witneſſes; and the ſaid *Garret* carried it to *Thomas Hyde* and delivered it him in *Humphry Hydes* preſence; *Thomas* delivered it to *Francis Hyde*, and he delivered the ſaid falſe Certificate to the Rector of the Colledg, as a true Certificate, as he was going to the Election, and *Alexander Hyde*, and *Humphry Hyde* juſtified it to be a true Certificate: and by means of this falſe Certificate the Plaintiffs Son was declar'd incapable of the Fellowſhip, and ten of the Felllows who gave their Voices for his Election were Expelled the Houſe, and for procuring and making uſe of this falſe Certificate to the prejudice and diſgrace of the Plaintiffs Son, and of the ſaid ten Fellows, the Defendants were Committed to the *Fleet*; *Humphry Hyde* Fined 1000 *l.* *Garret* 500 *l.* *Francis Hyde*, *Alexander Hyde*, and *Simon Farrant* 100 *l.* apiece, and pay 400 *l.* to the Plaintiff; 300 *l.* thereof for his own damages; and out of the other 100 *l.* 50 *l.*, to go to the uſe of Colledg who was put to Charge in Entertaining the Viſitor to examin the abuſe, and 50 *l.* to be delivered among the ten Fellows expelled for giving their Votes for the Plaintiffs Sons Election; who, if the Certificate had been true, had been incapable of the Fellowſhip, and they juſtly expelled for giving their Voices.

Practice to procure a falſe Certificate to fruſtrate the Plaintiffs Sons Election to a Fellowſhip in *Exceſter*-Colledg.

Four hundred pound damage.

Damage to a Colledge and Fellows there, no Parties to this Suit.

The Defendant *Pettinger*, at *Barnſley* in *York-ſhire*, in the preſence of divers perſons ſaid, the Earl of *Kingſton*, the Plaintiff, is a Baſe Lord; a T—— in his Teeth; he is but a Cur, and a Baſe Lord, and of no account: and for uttering theſe Contemptuous, Scandalous, and Diſgraceful Speeches, he was Committed to the *Fleet*; Fined 200 *l.* to pay 2000 *l.* damage to the Plaintiff, at *Nottingham*-Aſſizes to be publickly whipped, and before his Enlargement out of the *Fleet*, to find Sureties for his Good Behaviour.

Kingſton *Comes verſus* Pettinger. Scandalous Words.

Two thouſand pound damage.

Trin. 11 Car.

HIS Majeſty being ſeized, in right of his Crown, of the Foreſt of *Braydon* and of the Woods and Lands called the Dutchy Woods, and Dutchy Marſh Lands thereto adjoyning and intending to improve the ſame by incloſing it for increaſe of His Revenew, and the good of His Subjects, did in *November* 3. for 21000 *l.* Demiſe the ſaid Dutchy Woods, Dutchy Marſh and the Demeaſn Lands, and the Woods, Underwoods, and Trees thereupon, to Mr. *Jacobſon* and others for forty years at the Yearly Rent of 2 *s.* 3 *d.* the Acre, but their Yearly Payment was not to begin until it were Incloſed and ſetled at His Majeſties Coſt, the Leſſees Entred and endeavoured to incloſe and improve the ſame, and ſome of the Defendants diſturbing their Poſſeſſion upon pretence of having right of Common of Paſture within the ſaid Foreſt and Premiſes, an Information was Exhibited in the Court of Exchequer, and in *Michaelmas* 4. a Decree thereupon declaring that His Majeſty and His Heirs and Succeſſors and their Tenants and Farmers ſhould enjoy the Inheritance and Poſſeſſion thereof diſcharged of Common, according to a former Order made in *Michaelmas* Term 3. except cauſe were ſhewed to the contrary the firſt week of the Term following: and *Hillary* 4. the Decree was Eſtabliſhed, and another Information Exhibited in the Court of Exchequer for new diſturbances, and thereupon another Decree that the Farmers might Incloſe, and that the pretenders to Common ſhould enjoy ſuch proportions as were ſet out unto them by His Majeſties Commiſſion of Grace, and all their pretences were ſilenced by large and ample ſatisfaction. Yet the Defendants in Contempt of all Authority Combined together and reſolved to pull down and deſtroy all the preſent and ancient Incloſures there, and to demoliſh the Houſes and to burn up the Hedges and Hedg Rowes, that the Farmers ſhould never be able to Improve or Incloſe it. Which the Defendants with great numbers in their Company, ſomtimes a thouſand, ſomtimes more and ſomtimes leſs, effected in very Riotous and Rebellious manner in diſguiſed Habits both by day and night, and contemned the Sheriff when he came to Proclaim Peace and ſuppreſs the Riots, and ſhot off a Gun at the Under-Sheriff and a Meſſenger of His Majeſties Chamber: and ſome of the Defendants encouraged the ſaid Riots by ſending them mony and proviſion, and ſome went about to Collect Mony and Victuals to maintain them: and for this they were all Committed to the *Fleet*, three of the Ring-Leaders Fined 500 *l.* apiece, bound to the Good Behaviour, and be ſet in the Pillory at the Aſſizes in Womens Cloaths as they were diſguiſed in the Riots, with Papers on their Heads declaring their Offences and be then there well whipped, three others Fined 300 *l.* apiece and bound to their Good Behaviour, twenty eight others Fined 200 *l.* apiece, and bound to their Good Behaviour; and all of them to pay the Relator 2000 *l.* damages: and *John Parker* the Elder for threatning a Meſſenger that came to apprehend ſome of the Rioters, ſaying he would queſtion him and grable with him for it, and for uſing other contemptuous ſpeeches to the diſcouragement of the Meſſenger in the Execution of His Majeſties ſervice, was Committed, Fined 500 *l.* and bound to his Good Behaviour.

Attornat. Regis per Rel. Jacobſon *ver.* Camry *& al.*

Riotous deſtroying the Incloſures in the Foreſt of *Braydon.*

Two thouſand pound damage.

Contemptuous uſage and threatning of a Meſſenger for doing His Majeſties ſervice.

Mich. 11 Car.

Bond *Eſqu;* *ver.* Goddard *& al.*

GOddard the Elder being a Copy-holder of Lands in *Eylden* within the Mannor of *Ogburne* near adjoyning to His Majeſties Chace called *Albourne* Chaſe, being a place which in *Winter* time was a ſpecial and uſual ſuccour for preſerving the breed of young Deer belonging to the Chaſe, and where the Keepers do uſually lodg and go in and out, and with their Leaſh Hounds have without interruption from time to time uſed to drive and rechaſe His Majeſties Deer, *Goddard* the Younger under colour of going to kill Conies in the ſaid *Eylden* Grounds, did with his Fathers Privity and Command aſſemble to himſelf the Defendant *Cope*, and another, and in the night go towards the ſaid Grounds, and in their way in another mans Coppice about half a Mile from the Chaſe with Dogs kill one of the Chace Deer, and carried it to *Goddard* the Elders Houſe, where it was eaten, and at another time they killed another of the Deer of the Chaſe in the ſaid *Goddard* the Elders Ground, and carried it home to his Houſe, and he diſpoſed of part of it, and after they had a Raſcal Deer, and part of it being eaten in *Goodards* Houſe boiled, *Goddards* Wife to keep it from being diſcovered told her ſervants it was Mutton: and for this they were all Committed to the *Fleet*; the two *Goddards* Fined 500 *l.* apiece, *Goddards* Wife 50 *l.* and *Cox* 300 *l.* and the two *Goddards* and *Cox* to make their acknowledgment and ſubmiſſion at the Aſſizes, and be there bound to their Good Behaviour.

Killing His Majeſties Deer in Grounds near *Albourne* Chace.

Nota.

Provided that nothing in this Decree ſhall prejudice the Provoſt and Scholars of *Kings* Colledg in *Cambridg* in any ancient Right or Priviledg that they have in any their poſſeſſions in thoſe parts.

Paſ. 12 Car.

Cornwallis *Eſquire verſus* Wilkinſon *Cler.*

THe Defendant knowing that the Plaintiff had Purchaſed certain Lands of one *Robert Holdenby* in the County of *York*, and that the ſame were worth 40 *l. per ann.* and that the ſaid *Holdenby* was by his the ſaid Defendants with the Plaintiff to continue the Poſſeſſion thereof at that Rate, and that the ſaid *Holdenby* did not die ſeized of the ſaid Lands, did notwithſtanding after the Deceaſe of the ſaid *Holdenby*, with intent to draw the Creditors of the ſaid *Holdenby* and the Purchaſers of the ſaid Lands to Compound at an eaſie Rate for the benefit of his Grand-Child who was Heir to the ſaid *Holdenby*, Sued forth a Writ of *Diem clauſit extremum*, which was Executed without any notice given to the Plaintiff (though he deſired it) twenty eight Miles from the Lands, and forty Miles from the Plaintiffs dwelling, and the Defendant in perſon Solicited the finding of the Office, brought an Office ready drawn conteining that the ſaid *Holdenby* dyed ſeized of the ſaid Lands, and that they were worth but twenty Marks *per ann.* or thereabouts, and perſuaded the Jury to find that Office without Oath, but they refuſing ſo to do, the Defendant did upon his Oath before the *Feodary* and Eſcheator, falſly and contrary to his own knowledg, Depoſe that all things contained in the ſaid Inquiſition as they were therein ſet down, were true, and then he procured that Office to be returned into the Court of Chancery,

Practice to find an Office.

Perjury before the *Feodary* and Eſcheator.

Chancery, and thence Tranſcribed into the Court of Wards, and thereupon obtained a Grant of the Wardſhip, and a Leaſe of the ſaid Lands: and for this foul practice and wilful Perjury, the Defendant was Committed to the *Fleet*; Fined 500 *l.* and to pay the Plaintiff 200 *l.* damages, referred to the High-Commiſſion-Court, to be firſt Deprived and Degraded of his Miniſtry, and then to be ſet on the Pillory at *York*-Aſſizes, with a Paper on his Head declaring his Offences, and there make an humble confeſſion and acknowledgment thereof.

Paſ. 12 Car.

And withal the Court declared the Office to be gotten Surreptitiouſly, and by groſs and wilful Perjury, and fit to be made void, and therefore recommended it to the Maſter and Council of the Court of Wards to give Order to admit the Plaintiff to his Travers of the ſaid Office without any Bill of Travers, that thereupon, and upon view of this Sentence His Majeſties Attorney may confeſs the ſame, and the Plaintiff be reſtored to the quiet Poſſeſſion of the ſaid Lands without further Tryal or Charge.

Leigh *Kt. ver.* Wood *& al.* Killing of Deer in *Bradley* Park.

The Defendants *John* and *Henry Wood*, with others in their Company, did in ſeveral nights with Grey Hounds Hunt and Kill two of the Plaintiffs Deer in *Bradley* Park in *Com. Lancaſter*, and carried one of them away, but were taken by the Keepers before they carried away the other: and for this they were Committed to the *Fleet* three months, and Fined 100 *l.* apiece, bound to their Good Behaviour ſeven years, and to acknowledg their Offences at the Aſſizes at *Lancaſter*, and *Cheſter*, the Judges Sitting.

ARGUMENTS CONCERNING Martial Law.

Whereas the Author did omit in his first Part to Insert some Arguments made in the House of Commons 4 Car. I. concerning Martial Law, which at that time he had mislaid, he doth now supply that Defect, and hath put them in the Appendix, being the Arguments (but imperfectly and briefly taken) of Sir Edward Coke, *Mr.* Noy, *Mr.* Banks, *afterwards Attorney General, and Lord Chief Justice, Mr.* Mason, *and Mr.* Rolls, *afterwards Lord Chief Justice of* England, *the Results of which Arguments are contained in the Petition of Right.*

Mr. Banks *at the Committee of the whole House concerning Martial Law.*

I Will say nothing to hinder the Kings Service, let us observe our order that the Kings Supply and the Fundamental Liberties go together, we have voted the question, that of *Meum* and *Tuum*, and Liberty of Person: This now in Question concerns Life and Member, I will not derogate from the Power of Kings, Subjects have their Right, and Kings their Prerogatives. The Ocean it self bounds it self within its Liberties, and Prerogatives have many hundred years gone together in sweet harmony. I shall not question that Point, whether in Case a Commission of Martial Law duly granted, whether it will silence the Common Law; without all question it doth not, it deserves no debate. In Case of an Invasion of an Enemy, and the King marcheth with an Army, whether Martial Law may then be executed, that is not now the Question. But whether Commissions for Martial Law may be awarded in time of Peace, as this now is, that concerns life and death, I hold this Commission is against Law. I will remove an Objection out of *6 H.8.* in *Kellways* Reports, where it is said that *Fineax* told *H. 8.* it belonged to the Law of Arms to determine that power, but I conceive that opinion is no Law; The Common Laws Regulate in what Cases Commissions ought to be awarded, though it hath no Jurisdiction in them as in the Admiral Court, or Martial Courts, if they take Cognizance of Cases, that belong to the Common Law, the Common Law grants Prohibitions, the Common Law is the Judge of other Courts, to keep them in their due bounds, this we see is the daily course in Prohibitions, and the Kings Bench doth regulate other Jurisdictions, so though the Common Law define not, nor set down the Law of Arms, yet the Law sets down when they are to be exercised, and how, I will speak nothing to oppose Authority,

Authority, we will not be Authors of new Opinions, but maintain the old.

My firſt Reaſon is, the Kings Commiſſion under the Great Seal, cannot alter the Common Law; but this Martial-Commiſſion in time of Peace alters the Law. For the Propoſitions that the King by his Letters Patents and Commiſſion under the great Seal cannot alter the Law, 39 *H.* 7. 24. the King granted a Protection with a *non obſtante* in a *qua Imp.* and was void 6 *H.* 7. 4. 11 *H.* 7. 24. the King granted a Leet to enquire for Rapes, and it was void, 36 *H.* 8. *Br.* 280. The King cannot grant that an Alien ſhall be Heir to his Father, 37 *H.* 8. *br.* 310. the King cannot grant Land to be deviſed, *H.* 11. *Jac.* a Grant to the Univerſities to proceed according to the Civil Law was a void Grant, and it was ſo reſolved by the Juſtices in the Common Bank.

But this Commiſſion for Martial Law alters the Common Law: For it extends to all that joyn with Souldiers, it is no daſh of a Pen that daſhes or takes away many a mans life. In that Courſe a man ſhall ſuffer death, without a Jury and Trial, and ſo againſt the Law, and alſo ſmall offences are made Capital, which are not by the Common Law; Alſo great care ought to be had by the Commiſſioners, 2 *E.* 3. *C.* 2. Provides that the Commiſſioners of *Oyer* and *Terminer* be not granted, but for horrible offences, and that before the Juſtices of the one Bench or the other. Perſons of ordinary quality are not to be Commiſſioners in this great Commiſſion, 13 *R.* 2. *C.* 3. regulates the Juriſdiction of the Conſtable and Martial, that goes only to ſuch as cannot be determined by the Common Law. But theſe offences now may be determined by the Common Law. The Commiſſion of *Oyer* and *Terminer* is a Service of great expedition, if that Commiſſion be awarded they may make as great ſpeed as they pleaſe. Alſo this Commiſſion is againſt the Law: For this ought only to be awarded in time of War, or inevitable neceſſity.

8 *E.* 4. 29 *H.* 8. *Dy.* 36. a Houſe that is of a fire may be pulled down: We have no time of War, when the Courts of Juſtice are open in *Weſtminſter* and other Juriſdictions: Alſo the Law provides that in time of War there be proviſion.

I agree in ſome particular Caſes the Martial hath Juriſdiction, as in matters whereof the Common Law can take no notice, being done out out of this Realm, and alſo for Treaſons and Murders beyond Sea, 37 *H.* 6. 20. if one call me Traitor, an appeal will lie before the Conſtable and Martial, for it doth not lie at the Common Law, in reſpect of this, that the King cannot alter the Law.

Mr. Maſon *of* Lincolns Inn *concerning Martial Law.*

THe Commiſſion gives power to proceed againſt Souldiers or Marriners, or any that *Joyn with them*, and to proceed according to Martial Law. The execution is referred to Inſtructions, the puniſhment there appointed is Death, it falls into debate how far this extends, it was ſaid it extends only to Souldiers, but as it goes it is to ſuch as ſhall joyn with them, and the Commiſſioners are to Judge who joyns with Souldiers and they may execute them. But ſay it extends only to Souldiers, power to Preſs Souldiers is not now to be diſputed, I have known a Lord Lieutenant give leave to a Muſter-Maſter to Preſs a Man for a Souldier, and the Party refuſed, and he was committed by this Commiſſion,

ſion, ſuch a one may be taken and hanged. It is ſaid, that we have yet ſuſtained no prejudice by this Commiſſion: But want comes on as a Traveller, all Innovation comes in gently at the firſt, and it grows ſtrong by degrees, hereafter it will not be for us to ſay, the Commiſſioners have not executed the truſt committed to them.

It was ſaid the Gentlemen of the Country are only Commiſſioners, but ſince that a Second Commiſſion went out, and divers Captains and Commanders are put in, and they are to joyn with them, and we all know and admit, in the time of War, when the Kings Courts are ſhut, the Law Martial may be executed. In the time of Rebellion the Sheriff hath *Cuſtod. Comitat.* and all Earls and Lords are to aſſiſt him, and he is to raiſe the Country to reſiſt them, 16 *E.* 43. the Rebels that roſe then the Sheriff was bound to ſuppreſs them, 11 *E.* 44. and 6. *Fauconbridge* committed many outrages and *en faux* impriſonment: *le def. pl. fait inter mix que* raiſe Armies, and there were 20000 Rebels, but then I ſaw no Martial Law, but he was brought to *London*, and there executed. 18 *H.* 6. that Statute is, That he that hath received Wages and departs it is Felony, that Statute were void if the Commiſſioners by Martial Law may hang him. 2 *E.* 6. divers Souldiers made away their Arms and Horſe, that Statute is they ſhall be impriſoned: But if they might have been puniſhed by Martial Law that Statute had been void; alſo by Martial Law he ought to be puniſhed by death.

Object. *An Army cannot wait Legal proceedings.* I anſwer, If an Army be in the Field the Common Law allows Martial Law, and alſo the Juriſdiction of the Admiral is part of the Common Law, and then there is *placita exercitus*, and there may be a Jury raiſed preſently by the Martial Law, and this is Legal.

12 *H.*7. *In dorſo Pat.* two Letters Patents were directed to the Earl of *Oxford* that recited that divers Rebels did Levy War, *&c.* and power was given to ſuppreſs them, *& facere omnia quæ ad officium Conſtabular. Martiali pertinent ſecundum Legem & Conſuetudinem ante uſitat.* 15 *H.* 7. 2. *pars Patent.* there was a Patent to the ſame purpoſe; when an Army is in the Field the Martial is Judge, and he is to Judge according to the Law Martial.

1 *E.* 3. *prima pars memb.* 21. Parliament Roll. The Earl of *Lancaſter* exhibits a Petition to the Parliament, and ſhews that his Father was executed contrary to the Law, and the Record was produced *placita coram Domino Rege*; whereas ſeven Earls were before the King, and the ſaid Earl was ſent for before the King and the ſaid ſeven Earls, and the ſaid Earl was accuſed, that with Banners diſplayed they had raiſed Commotion, and this was notoriouſly known, and he was adjudged to be beheaded and hanged.

The Errour is aſſigned in the Record, that in time of Peace every Subject ought to be arraigned according to the Law of the Land, and he ſet forth that it was in time of peace, for during the Rebellion and Conviction the *Chancery* and the other Courts were open, and ſo he ought to be adjudged by the Law of the Land, and not otherwiſe.

Alſo the ſaid Earl of *Lancaſter* was Peer of the Realm, and he was not tried by his Peers, which was contrary to the Law, and the tenour of the great Charter, and therefore it was conſidered by the King, the Lords and Commons, that *Judicium fuit nullum & vacuum in Lege*; there was a Rebellion at that time, the King himſelf was preſent at the Conviction, which was ſtronger than here before Commiſſioners, and yet that was againſt the Law.

We

We have now no Army in the Field, no Enemy but among our ſelves, and it is no time of War, and therefore the Commiſſion is not fit, nor warranted by Law.

Mr. Rolls, *afterwards Lord Chief Juſtice* Rolls, *at the Committee for Martial Law.*

IN this Diſputation I will not trench on Power, but the abuſe of it, 37 *H.* 6.20. the Law of the Martial is the Kings Law, and the Common Law takes notice of it; we acknowledge it ſo to be, but now the Queſtion is, when it is to be uſed?

Poteſtas vitæ & mortis belong now to the Common Law, or to the Martial. The Queſtion is now when this Martial Law is to be uſed, and upon whom the Common Law is the higheſt for the Subject, 7 *H.* 8. *Kellway* 176. every Liege man inherits the Law, 19 *H.* 6. 63. it is the inheritance of the King, this great inheritance is not to be taken from him, and Martial Law is meerly for neceſſity, where the Common Law cannot take place; now for the time when that neceſſity falls out, in time of Peace it cannot, ſo we muſt conſider when is time of Peace or War.

If the *Chancery* and Courts of *Weſtminſter* be ſhut up that are *Officina Juſtitiæ*, it is time of War, but if the Courts be open it is otherwiſe; yet if War be in any part of the Kingdom, that the Sheriff cannot execute the Kings Writ, there is *tempus belli.*

If an Enemy come into any part, where the Common Law cannot be executed, there may the Martial Law be executed. If a Subject be taken in Rebellion, if he be not ſlain in the time of his Rebelſion, he is to be tried after by the Common Law, 2 *H.* 5. Parliament Roll, 2 *Pars*, *John Montague*, Earl of *Salisbury*, was in Rebellion againſt *H.* 4. and was taken and put to death, 2 *H.* 4.

In 2 *H.* 5. his Son brought an Error, and aſſigned that he was a day and half in Priſon after his apprehenſion, and was put to death without due Trial at Law, contrary to *Magna Charta*: There is no neceſſity of Martial Law, but if an Alien Enemy come into the Realm, he cannot be executed by the Common Law, for he is not a Liege of the Kings, and ſo is to be tried by Martial.

If the Martial Law in time of Peace ſhould be executed on Souldiers, that were a great diſhonour and prejudice to them; the King may make Commiſſioners to them that are not Souldiers, or the Lord General only, ſo they ſhall be worſe than other Subjects; if there be a Body of an Army going out of the Kingdom, there is no neceſſity of Martial Law, but for Diſcipline the Marſhal and Conſtable may uſe the Martial Law, but to execute them they cannot, if they have not a Commiſſion of *Oyer* and *Terminer*, 5 *H.* 4. *rot.* 24. Parliament Roll, a Commiſſion to provide an Army was ſent down from the Lords to the Commons, which was there amended, and by that Commiſſion it was directed, that in every County the Sheriff and others may Arm, and muſter men *ad inimicos Regis deſtruendos & debellandos & amicos qui in hac parte reſiſtunt*, and will not be muſtered; He doth not ſay, that they ſhall execute, but that they ſhall be impriſoned *donec aliud inde ordinarimus.* If this Martial Law be uſed, the King will loſe his forfeitures of Attainder, 7 *H.* 4. 46. *Martin*: If a man

man be ſlain in Rebellion againſt the King, he may be Attainted after his death: 15. *E.* 3. Petition, the Chief ſhall view his body: 34. *E.* 3. *ca.* 12. ſets forth how he ſhall be Attainted after his death. Of the five Volumes of the *Roman* Law, one part is ſpent in Martial-Law, and the Title is *de re militari*, but that Law teacheth us to ask the Common-Law. *Delictum militum* is either *Commune delictum*, as Murder, Felony, *&c.* or *militare delictum* as to loſe and ſell their Arms. *Delicta militaria* by the Common-Law deſerves not a phillip, as by the Common-Law *delicta levia* are to be puniſhed by the *Magiſtr. Milit.*

Mr. *Noy.*

IF Martial-Law may be Executed in time of War, but it goes with a reſtraint only to Souldiers; that it may be in time of War there is no Queſtion, but for time of Peace it is a Queſtion?

What is time of Peace, In *Hen.* 3. time in the Battel of *Lewis* unto the Battel of *Eweſham*, it was a time of War, a Deſcent took not away Entry; and a Feofment then was void, if they were not both of one ſide, and this time of War is Entred in the Regiſter Book in the Exchequer, and yet the Courts of Juſtice were then open, and the Parliament Rolls at that time are yet extant; 24. *E.* 1. The King went into *Scotland*, there were *placita exercitus*, and it begun at *Eaſter*, and yet then the Chancery was open and Writs went out, which are yet to be ſeen. As for the Earl of *Lancaſter*, he drew Forces together and killed many, and was taken and carried to *Pomfret* and had a Judgment, and they never called him to anſwer for himſelf, but they made a Record of his Rebellion, and the King adjudged he ſhould be Executed, Forfeit his Lands, and this was Reverſed, becauſe the Kings Court was open, and no man muſt ſpill the blood of War in Peace, but if he had been ſlain in Battel it had been good, or if he had been in *Exercitu*, and *pro hominibus de Exercitu.* So in the time of Queen *Eliz.* 2. Commiſſions were granted for Martial Law *pro hominibus de Exercitu* and *in Exercitu*, and ſome were Executed and their Heirs afterwards Reverſed the Judgments: when the Judgments were given it was a time of Peace, and there is great Reaſon they ſhould be Reverſed, the Commiſſion was by the King to divers *ad Juſtitiam reddend. juxta tenorem cujuſdam Schedulæ* annexed, and with this Commiſſion they ſent the very Judgment itſelf, becauſe you did thus, *&c.* Now to make Juſtices and to preſcribe a Judgment in ſuch a Form againſt one that was never called to Anſwer, was againſt the Law-Martial. Law is neceſſary to an Army, and to men of the ſame Army. This Commiſſion is not juſtifiable, for thought it were intended for the Army, it is ſomwhat too large, it extends to the Souldiers and Mariners, and others that join with them, the Mariners have a Law by themſelves, both cannot be under one Law. All old Commiſſions are *inter homines de Exercitu* and *in Exercitu*, It is a hard Law for the Souldier to have all his Laws writ in Death. It is very terrible and it will make them hate them that have that power.

For the time of Execution of it; when there is an Army, our Law allows Martial-Law, if there be an Army, that is in expectance of an Enemy, but had not the Martial-Law at the beginning of raiſing his Army,

my, but when the Army was brought together, and the Enemy was to approach he had it then. But now no Enemy is approaching.

Obj. They are not able to Execute according to the Common-Law, they care not for a Conſtable.

Anſw. But they muſt care for the County and the Sheriff. If the Sheriff return that unruly people make reſiſtance it is no good return, for it ſounds to the diſhonor of the King.

Alſo theſe Laws thus made were not Proclaimed, and there was no Body of an Army expecting an approach of an Enemy, and that when they are diſperſed is not allowable by the Law.

Sir Edward Coke *concerning Martial-Law.*

I Shall maintain *Jus belli.* But God ſend me never to live under the Law of Conveniency or Diſcretion. Shall the Souldier and Juſtice Sit on one Bench, the Trumpet will not let the Cryer ſpeak in *Weſtminſter-Hall. Non bene conveniunt.*

The time of Peace, is when the Courts of *Weſtminſter* are open. For when they are open then you may have a Commiſſion of *Oyer* and *Terminer*, and where the Common-Law can determine a thing the Martial-Law ought not.

Drake ſlew *Doughty* beyond Sea. *Doughties* Brother deſired an Appeal in the Conſtable and Marſhals Court, and *Wray* and the other Judges reſolved he might there ſue. We make no Law we muſt not mediate *ubi Lex non diſtinguit.* To hang a man *tempore pacis* is dangerous, I ſpeak not of proſecution againſt a Rebel, he may be ſlain in the Rebellion; but if he be taken he cannot be put to death by the Martial-Law. 28. *E.* 2. *M.* 13. When the Courts are open Martial-Law cannot be Executed 5. *H.* 4. and 30. *Willmons* Caſe, the Conſtable and Marſhal deſired an addition to their Commiſſion and they proceeded againſt ſome according to that power, but becauſe it was not according to their ancient power it was void, for they cannot do any thing according to that additional power, and there was a Prohibition to ſtay their proceedings by vertue of that additional power: How ſhall the Souldiers know how to obey them? they are not under the Great Seal.

A Commiſsion to the Lords, and others of the Privy Council, for putting in Execution of the Laws and Statutes for Relief of the Poor, Puniſhment of Rogues, and imployment of Gifts to Charitable uſes. Jan. 5. 1630.

CHARLES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, *&c.*

To the moſt Reverend Father in God, Our Right Truſty and Well-beloved Counſellour, *George* Lord Archbiſhop of *Canterbury*, Primate and Metropolitan of all *England*.

And to our Right Truſty and Well-beloved Counſellour *Thomas* Lord *Coventry*, Lord Keeper of Our Great Seal of *England*.

And alſo to the Right Reverend Father in God, Our Right Truſty and Well-beloved Counſellour, *Samuel* Lord Archbiſhop of *York*, Primate and Metropolitan of *England*.

And likewiſe to Our Right Truſty and Well-beloved Counſellour *Richard* Lord *Weſton*, Our High Treaſurer of *England*.

And alſo to Our Right Truſty and Right Beloved Coſins and Counſellours, *Edward* Viſcount *Conway*, Lord Preſident of Our Privy Council.

Henry Earl of *Mancheſter*, Keeper of Our Privy Seal.

Robert Earl of *Lindſey*, Lord Great Chamberlain of *England*.

Thomas Earl of *Arundel* and *Surrey*, Earl Martial of *England*.

Philip Earl of *Pembroke* and *Montgomery*, Lord Chamberlain of Our Houſhold.

Theophilus Earl of *Suffolk*, Lord Warden of Our Cinque Ports.

Edward Earl of *Dorſet*, Lord Chamberlain to Our Deareſt Conſort the Queen.

William Earl of *Salisbury*.

William Earl of *Exeter*.

John Earl of *Bridgewater*.

James Earl of *Carliſle*.

Henry Earl of *Holland*.

William Earl of *Banbury*.

Henry Earl of *Danby*.

William Earl of *Moreton*.

Thomas Earl of *Kelly*.

Edward Viſcount *Wimbledon*.

Dudly Viſcout *Dorcheſter*, one of Our Principal Secretaries of State.

Thomas Viſcount *Wentworth*, Lord Preſident of our Council in the North Parts.

Oliver Viſcount *Grandiſon*.

Henry Viſcount *Faulkland*.

And likewiſe to the Reverend Fathers in God, Our Right Truſty and Well-beloved Counſellours, *William* Lord Biſhop of *London*.

Richard Lord Biſhop of *Wincheſter*.

And alſo to Our Right Truſty and Well-beloved Counſellours, *Edward* Lord *Newburgh*, Chancellour of Our Dutchy of *Lancaſter*.

Sir *Thomas Edmunds*, Knight, Treaſurer of Our Houſhold.

Sir *Henry Vane* Kinght, Comptroller of our Houſhold.

Sir *Tho-*

Sir *Thomas Jermyn*, Knight, Vice-Chamberlain of Our Houſhold.
Sir *Robert Naunton*, Knight, Maſter of Our Court of Wards and Liveries.
Sir *John Cook*, Knight, one other of our Principal Secretaries of State.
Sir *Francis Cottington*, Baronet, Chancellour of Our Exchequer.
Sir *Julius Cæſar*, Knight, Maſter of the Rolls.
And Sir *William Alexander*, Knight, *Greeting*.

Whereas divers good Laws and Statutes, moſt neceſſary for theſe times, have, during the happy Reign of Queen *Elizabeth*, and of Our late Father of Bleſſed Memory, and ſince Our coming to the Crown of *England*, been with great Wiſdom, Piety, and Policy, made and Enacted in Parliament, as well for the Charitable Relief of aged and impotent poor people, not able by their labours to get their livings; and for the training up of Youth in honeſt and profitable Trades and Myſteries, by putting them forth to be Apprentices, as alſo for the ſetting to work of Idle Perſons, who being of ability to work, in ſome kind or other, do nevertheleſs refuſe to labour, and either wander up and down the City and Country begging, or which is worſe, maintain themſelves by filching and ſtealing; And for the Puniſhment of ſundry Rogues and Vagabonds, and ſetting of them to work. And for the ſuppreſſing of that odious and loathſom ſin of Drunkenneſs, and the repreſſing of Idleneſs, the root of ſo many Evils: The due execution of which, and the like Laws and Statutes would prevent and cut off many offences and Crimes of high nature.

And whereas we are informed that the defect of the execution of the ſaid good and Politick Laws and Conſtitutions in that behalf made, proceedeth eſpecially from the neglect of Duty in ſome of Our Juſtices of the Peace, and other Officers, Magiſtrates, and Miniſters of the Peace within the ſeveral Counties, Cities, and Towns Corporate of this Our Realm of *England*, and Dominion of *Wales*, to whom the care and truſt of ſeeing the ſaid Laws to be put in execution, is by the ſaid Laws principally committed; which remiſneſs and neglect of Duty doth grow and ariſe from this, That by the moſt of the ſaid Laws, there are little or no Penalties or Forfeitures at all inflicted upon the ſaid Juſtices of Peace, Magiſtrates, Officers, and Miniſters for not performing their Duties in that behalf, or if any be, yet partly by reaſon of the ſmalneſs thereof, and partly by reaſon of their Power and Authority in their ſeveral Places, whereby they hold others under them in awe, there are few or no Complaints or Informations made of the neglects and want of due execution of the Offices of the ſaid Juſtices and other Miniſters; And although the care and diligence of Our Judges and Juſtices of Aſſize be never ſo great, yet by reaſon of the ſhortneſs of their Aſſizes and Seſſions in every County, and multiplicity of buſineſs, they neither have due Information of the ſaid neglects, nor in thoſe times can take ſuch exact Courſes as were requiſite for redreſs of ſuch general abuſes and inconveniencies ſo highly importing the Publick good of this Our Realm, by reaſon whereof the ſaid Juſtices of Peace, Magiſtrates, Officers and Miniſters are now of late in moſt parts of this our Kingdom grown ſecure in their ſaid negligence, and the ſaid Politick and neceſſary Laws and Statutes laid aſide, or little regarded as Laws of ſmall uſe, and conſequence, whereas upon the preſent making of the ſaid Laws, the ſame

being then duly executed, as alſo at this day in ſome Counties and parts of this Our Kingdom; Where ſome Juſtices of Peace, and other Magiſtrates do duly and diligently execute the ſame, there evidently appeareth great Reformation, benefit and ſafely to redound to the Common Wealth. And likewiſe whenas there was care taken, and diligence uſed to have the Laws concerning Charitable uſes well executed, and all Pious Gifts to be employed according to the good intent of the Donors, theſe poor people were better relieved than now they are. All which we taking into Our Princely care for the Preſervation of the Common Peace of this Realm, the performance of mens Pious intentions in their gifts of Charity, and the general good and quiet of Our Subjects:

After long and mature Deliberation, finding that there is no better ways or means to have the ſaid Laws and Statutes put in full execution, than by committing the truſt and overſight thereof to the ſpecial care and induſtry of certain Perſons of principal place, dignity, and order near unto Our Perſon: Who upon their diligent enquiry how the ſaid Laws and Statutes are put in Execution, may be able upon all occaſions from time to time to give us particular Information thereof, and by their approved Wiſdoms, Experience and Judgments, give directions, and inſtructions from time to time for the better Execution of the ſaid Statutes.

Know ye therefore that We out of that long Experience and full aſſurance We have had of the great Integrity, Wiſdom, Fidelity, and Induſtry of you, and every of you, have Conſtituted, Authorized, and Appointed you to be Our Commiſſioners, and by theſe preſents do Conſtitute, Authorize, and appoint, and ſtrictly require you, or any four or more of you Our Commiſſioners, either by Examination upon Oath, or without Oath, or by all and every ſuch good and lawful means, as to you, or any four or more of you, in your Wiſdoms and Judgments ſhall ſeem convenient and requiſite from time to time from henceforth to make enquiry, and thereby to inform your ſelves how all and every the Laws and Statutes now in Force which any way concern the Relief of Impotent or poor People, the binding out of Apprentices, the ſetting to work of poor Children, and ſuch other poor people, as being able or willing to work have no ſtock or means to employ themſelves; The compelling and forcing ſuch lazy and idle Perſons to work, as being of bodies able and ſtrong, do nevertheleſs refuſe to labour; The maintenance, government, and well ordering of houſes of Correction, and other places for relief of poor indigent and impotent people, the Rating, Collecting, and Imployment of all ſuch Sums as by the Statute of the three and fortieth of *Elizabeth* are appointed for the relief of Souldiers and Mariners, the puniſhment, or ſetting on work of Rogues and Vagabonds: And all Laws and Statutes now in force for the repreſſing of Drunkenneſs and Idleneſs, the reforming of abuſes committed in Inns and Alehouſes, the abridging of the number of Alehouſes, and the well-ordering of ſuch as are Licenſed, the keeping of Watches and Wards duly, and how other publick Services for God, the King, and the Common-wealth are put in practice and executed.

To which end and purpoſe, to you Our Commiſſioners, or any ſix or more of you, We give full Power and Authority from time to time hereafter, to give ſuch directions and inſtructions, and by all other good and lawful means to ſet down, and give ſuch orders and directions, as that all and every the ſaid Laws and other neceſſary Statutes may be duly

and

and effectually executed, and the Pains and Penalties thereof levied and imployed according to the purport and true meaning of the ſame Laws.

And whereas no Nation of the world hath provided more liberally, or ordained better Laws for due imployment of Lands, Goods, and Stocks of Money, given to Charitable uſes, than this Our Kingdom of *England* hath done: Yet nevertheleſs the ſaid Bounties and charitable gifts have not been employed according to the mind and intent of the Givers, by reaſon of ſome Devices, Frauds, breach of Truſt, aim at Private Gain, and partly by the negligence of thoſe that have been truſted to perform the ſame.

Therefore Our Will and expreſs Pleaſure is, that thoſe Statutes of the Thirty Ninth and Forty Third of *Elizabeth*, and all other Laws and Statutes concerning Hoſpitals, Almes-houſes, *Maiſons de Dieu*, and other pious Donations, Collections, or publick gifts for the benefit of the poor, or publick works, be ſtrictly inquired and put in execution. And all Deeds of Foundations, Charters, Wills, Devices, diſpoſitions of Lands, Goods, Annuities, or Rents, given, appointed, or intended to any the houſes aforeſaid, or to any charitable uſe or publick work, be diligently ſought out and diſcovered, to the end there may be an employment of all the Profits, according to the will, and mind of the Donors or Founders.

And We do further by theſe Preſents, give full Power and Authority unto you, or any ſix, or more of you, to call unto you for your aſſiſtance in the Premiſes, when you ſhall ſee it needful, all, or any of Our Juſtices of Aſſize, as often as you ſhall ſee cauſe, and to give ſuch directions and inſtructions by your Letters, or otherwiſe, as well to Our ſaid Juſtices of Aſſize, *Oyer* and *Terminer*, and Gaol-delivery, for their ſeveral Circuits: As alſo to Our Juſtices, Mayors, Bayliffs, and other head Officers, within Cities, and Burroughs, Clerks of the Aſſize and Seſſions, and other Officers and Miniſters within Our ſeveral Counties and Shires of this Our Realm of *England*, and Dominion of *Wales*, and the ſeveral Diviſions of the ſame, as to you, or any ſix or more of you in your wiſdom ſhall ſeem meet and requiſite, and ſhall be agreeable to the Laws and Statutes of this Our Realm for the better execution of the Laws and Statutes in the time to come. All which Directions, Inſtructions, and Orders at any time or times hereafter ſo to be made or taken by you, or any Six or more of you, by force of theſe Preſents; We will and ſtraitly charge and command you by theſe Preſents, to be ſincerely and duly from time to time obeyed, obſerved, and kept, by all and every Officer and Officers, Juſtice and Juſtices, Perſon and Perſons, to whom it ſhall appertain.

And We do hereby further will and require you, that you, or any four or more of you, do from time to time give unto Us particular and true information of the care and induſtry of our Juſtices of the Peace in their ſeveral Diviſions, Mayors, Bayliffs, and head Officers, in their ſeveral Cities and Towns Corporate, as upon the ſaid enquiry you ſhall find to be diligent in putting the ſaid Laws, Statutes, Orders, and Directions in Execution, that ſo by their ſervice and your report, they appearing to deſerve well of their King and Country, may receive not only good acceptance at our hands, but all due encouragement and comfort to continue in their well-doings; And if contrariwiſe you ſhall find any of our ſaid Juſtices of Peace, or other the perſons before-named to be

be negligent and remiſs in their ſeveral places and duties touching the performance and execution of the ſaid Laws and Statutes committed to their charge, or the Orders and Directions given by you, or any ſix of you, for the better execution of the ſaid Statutes: Then Our Pleaſure is, that you do likewiſe certifie the names of ſuch as you ſhall find ſo remiſs and negligent, that accordingly order may be taken for their removing and diſplacing out of the Commiſſion of the Peace, as men unworthy of their ſaid Truſt and Places; As alſo deſerving to receive ſuch further puniſhment in Our Court of *Star-Chamber*, or otherwiſe, as may be by Law inflicted upon them.

And further We do by theſe Preſents give unto you, or any Six or more of you, full Power and Authority to do and execute all and every other lawful and neceſſary Act and Acts, thing and things for the better and more due execution of the premiſſes, or any of them, as you, or any ſix, or more of you, ſhall in your Wiſdoms and Judgments think to be fit and convenient.

And becauſe you that are Attendants upon Our Perſon, or otherwiſe imployed in Our Services cannot at all times be in Perſon in the ſeveral Shires of this Our Kingdom to execute this our Commiſſion in ſuch ſort as We have appointed it. And for that it will be very fit and requiſite for you to have Perſons of Truſt under you, who may faithfully aſſiſt you in the execution of this Our Commiſſion:

We do therefore give unto you for your better aid and aſſiſtance, and the better performance of this our Service, full Power and Authority from time to time, to Aſſign, Appoint, and Conſtitute by your Writing under your Hands and Seals, or the Hands and Seals of any Six or more of you, ſuch ſufficient meet Perſons as you, or any Six of you, in your diſcretions ſhall from time to time think fit and appoint to be your Deputies in every, or any County, City, Burrough, or Town Corporate of this Our Kingdom of *England*, or Dominion of *Wales*.

And We do give unto ſuch Perſons, ſo to be by you Deputed, Aſſigned, and Appointed, as aforeſaid, or to any two, three, or more of them full Power and Authority, to do and execute in Our ſaid Counties, Cities, Burroughs, and Towns Corporate, as well within Liberties as without; all and every thing and things, which by vertue of this Our Commiſſion, is to you Our Principal Commiſſioners, intruſted, and committed, or which you or any of you Our Commiſſioners, if you were perſonally Preſent, might, or ought to do; they your ſaid Deputies purſuing ſuch directions and inſtructions from time to time as you or any Six of you ſhall give unto them in writing: And the better to enable them ſo to do, you ſhall deliver to ſuch Deputies as you ſhall make in every County, City, or Town Corporate, as aforeſaid, a Duplicate, or true Tranſcript of this our Commiſſion, ſubſcribed with your Hands, or under the Hands of Six of you at the leaſt.

And we do further by the Tenour of theſe Preſents, Will and Command, and do give full power and Authority to Our Lord Chancellour, or Lord Keeper of our Great Seal for the time being, to cauſe ſeveral Commiſſions to be made forth, under Our Great Seal of *England*, to ſuch Perſons of Truſt and Quality as any Six, or more of you ſhall from time to time nominate unto him, and ſhall ſo ſignifie unto him by writing under your Hands to the ſame Tenour and Effect, in every material thing, as in theſe Our Letters Patents is expreſſed, with a Clauſe to be inſerted in every ſuch Commiſſion and Commiſſions, commanding ſuch

Perſons

Perſons ſo to be nominated, that they certifie all their proceedings thereupon to you Our foreſaid Commiſſioners, or to any Six of you, at ſuch times and places as you, or any Six of you ſhall appoint. In Witneſs whereof, we have cauſed theſe Our Letters to be made Patents, Witneſs our Self at *Weſtminſter* the fifth day of *January*, in the Sixth Year of Our Reign.

ORDERS.

I. *That the Juſtices of Peace of every Shire within the Realm do divide themſelves, and allot among themſelves what Juſtices of the Peace, and what Hundreds ſhall attend monthly at ſome certain places of the Shire. And at this day and place, the High Conſtables, Petty Conſtables, and Churchwardens, and Overſeers for the Poor of thoſe Hundreds, ſhall attend the ſaid Juſtices. And there enquiry ſhall be made, and information taken by the Juſtices how every of theſe Officers in their ſeveral Places have done their duties in execution of the Laws mentioned in the Commiſſion annexed, and what Perſons have offended againſt any of the ſaid Laws.*

II. *Where neglect or defect is found in any of the ſaid Officers, in making their Preſentments condign puniſhment to be inflicted upon them by the Juſtices according to Law.*

III. *When Offences are Preſented at one meeting, then the Penalties of the Laws offended, to be levied and brought to the Juſtices at their next meeting.*

IV. *When the Penalties are levied, the Juſtices are to take care that the ſame be implied accordingly as by the Statutes are appointed.*

V. *For encouragement to men that do inform and proſecute others for offending againſt theſe Laws, or any of them, liberty to be left to the Juſtices of Peace that do meet to reward the Informer or Proſecutor, out of part of the Money levied upon his, or their Preſentments or Information.*

Though the Statute do not preſcribe this, yet this is not againſt the Law that gives the Penalty to the Poor, which Penalty, nor no part thereof would elſe come unto the Poor but by this means.

VI. *That the ſeveral Juſtices of the Peace of every Shire do once every three Months certifie an account in writing to the High Sheriff of the County, of their proceedings in this way, whom they have puniſhed, what they have levied, and how they have imployed it.*

VII. *That the High Sheriff, within fourteen days after this Account delivered, do ſend the ſame over to the Juſtices of Aſſize for that County, or to one of them, and the Juſtice or Juſtices that receive the ſame, to certifie it in the beginning of every Term next after to the Lords Commiſſioners: And if any of the Juſtices of Peace ſhall fail to make ſuch account to the Sheriff, then the Sheriff ſhall certifie ſuch default to the Lords Commiſſioners.*

VIII. *The Juſtices of Aſſize in every Circuit, are to enquire, and ſpecially to mark what Juſtices of the Peace are careful and diligent in execution of theſe Laws, and the directions given, and who are negligent and remiſs. And what*

what other things of Note happen in their Circuits to make report thereof to the King, upon their return from their Circuits every half year.

DIRECTIONS.

I. *That the Lords of Mannours and Towns take care that their Tenants and the Parishioners of every Town may be relieved by work, or otherwise at home, and not suffered to straggle and beg up and down in their Parishes.*

II. *That Stewards to Lords and Gentlemen, in keeping their Leets twice a year, do especially enquire upon those Articles, that tend to the reformation or punishment of Common Offences and abuses: As of Bakers and Brewers, for breaking of Assizes; of Forestallers, and Regraters: Against Tradesmen of all sorts, for selling with under weights, or at excessive prizes, or things unwholsom, or things made in deceit: Of People, Breakers of houses, common Thieves and their Receivers; Haunters of Taverns or Alehouses, those that go in good Cloaths, and fare well, and none knows whereof they live; those that be Night-walkers; builders of Cottages, and takers in of Inmates; Offences of Victuallers, Artificers, Workmen, and Labourers.*

III. *That the poor Children in every Parish be put forth Apprentices to Husbandry, and other Handy-crafts, and money to be raised in the Parishes for placing them, according to the Law; and if any party shall refuse to take the said Apprentice, being put out according to the Law, such party as shall refuse to take the said Apprentice, to be bound over to the next Quarter Sessions, or Assizes, and there to be bound to his good Behaviour, or otherwise ordered as shall be found fit.*

IV. *That the Statute of Labourers, for retaining of Servants, and ordering of Wages, betwixt the Servant and the Master be not deluded by private Contracts, before they come to the Statutes, and the common fashion of Essoyning many absent, not to be allowed of course, as is used.*

V. *That the Weekly Taxations for relief of the Poor, and other purposes mentioned in the Statute of* 43 Eliz. *be in these times of Scarcity raised to higher Rates in every Parish, than in times tofore were used. And Contributions had from other Parishes to help the weaker Parishes, especially from those places where Depopulations have been, some good Contribution to come, for help of other Parishes. And where any money or Stock hath been, or shall be given to the relief of the Poor in any Parish, such gift to be no occasion of lessening the Rates of the Parish.*

VI. *That the Petty Constables in all Parishes be chosen of the abler sort of Parishioners, and the Office not to be put upon the poorer sort, if it may be.*

VII. *Watches in the night, and Warding by day, and to be appointed in every Town and Village, for apprehension of Rogues, and Vagabonds, and for safety and good order.*

VIII. *And because it is found by daily experience, that the remissness and negligence of Petty Constables is a great cause of the swarming of Rogues and Beggers: Therefore the High Constables in their several Divisions are specially to be charged to look unto the Petty Constables that they use diligence in their*

their Offices, and the High Conſtables to preſent to the Juſtices of Peace the defaults of the Petty Conſtables, for not puniſhing the Rogues, or not Preſenting thoſe that are relievers of the Rogues and Beggars, the Law inflicting a Penalty upon the Conſtable for not puniſhing them, and upon ſuch Party as ſhall relieve them.

IX. *If in any Pariſh there be found any Perſons that live out of Service, or that live idlely, and will not work for reaſonable Wages, or live to ſpend all they have at the Alehouſe, thoſe perſons to be brought by the High Conſtables, and Petty Conſtables to the Juſtices at their meetings, there to be ordered and puniſhed as ſhall be found fit.*

X. *That the Correction-houſes in all Counties may be made adjoyning to the Common Priſons, and the Goaler to be made Governour of them, that ſo he may imploy to work Priſoners committed for ſmall Cauſes, and ſo they may learn honeſtly by Labour, and not live idlely and miſerably long in Priſon, whereby they are made worſe when they come out than they were when they went in, and where many houſes of Correction are in one County, one of them at leaſt to be near the Goal.*

XI. *That no man harbour Rogues in their Barns, or Out-houſes. And the wandring perſons with Women and Children, to give account to the Conſtable or Juſtice of Peace, where they were Married, and where their Children were Chriſtened, for theſe People live like Savages, neither Marry, nor Bury, nor Chriſten, which licentious liberty make ſo many delight to be Rogues and Wanderers.*

XII. *And becauſe the High-ways in all Counties of* England *are in great decay, partly ſo grown for that men think there is no courſe by the Common Law, or order from the State to amend the ſame: And the Work-days appointed by the Statute are ſo omitted or idlely performed, that there comes little good by them; therefore the Juſtices of Peace at theſe monthly meetings are to take ſpecial care of: And not only to cauſe the Surveyers of the High-ways to Preſent the ſame, but by their own view to inform themſelves, that at the next Quarter Seſſions after every meeting they may Preſent all ſuch neglects and offences, (as upon their own view) and the offenders there to be puniſhed according to Law.*

Articles of Peace, ENTERCOURSE AND COMMERCE, CONCLUDED

In the names of the moſt High and Mighty Kings, CHARLES by the Grace of God, King of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.* And PHILIP the Fourth King of *Spain*, *&c.* In a Treaty at *Madrid*, the fifth day of *November*, after the *Old Syle*, in the year of our Lord God, 1630.

Tranſlated out of Latin into Engliſh.

Articles of the Treaty.

I. *FIRST, It is concluded, and accorded, that from this day forward there ſhall be a good, ſincere, true, firm, and perfect Amity, League and Peace to endure for ever, and inviolably to be obſerved and kept, as well by Land as Sea, and freſh water, betwixt the Renouned King of* Great Britain, France, *and* Ireland, *&c. and the moſt Renouned King of* Spain, *&c. and their Heirs and Succeſſors whomſoever, their Kingdoms, Countries, Dominions, Lands, Peoples, Liegemen, and Subjects, now being, or which hereafter ſhall be, of whatſoever condition, ſtate or degree they are are may be, ſo as the ſaid Vaſſals, and Subjects from henceforth are each of them to favour other, and to uſe one another with all kind and friendly Offices.*

II. *And that from henceforth all Hoſtility and Enmity ſhall ceaſe, and all offences, injuries, and damages which either part in time of the troubles hath ſuſtained by the other, ſhall be taken away and forgotten in ſuch ſort, as that hereafter neither party againſt the other for and upon occaſion of any damages, offences, depredations or ſpoils paſt may pretend any matter, but that there ſhall be a perfect abolition of all and every of them until this preſent day; and that all Actions for the ſame ſhall be held and reputed to be extinguiſhed, excepting all ſuch depredations which ſhall be committed,*

ted, within the Narrow Seas after the ſpace of fifteen days; and betwixt the Narrow Seas and the Iſlands, after the ſpace of three months; and beyond the Line after the ſpace of nine months fully ended, to be reckoned from the publication of the Peace: or immediately after the notice of the Peace ſufficiently given to the ſaid places, by Authentical Acts, or Letters reſpectively to be ſhewn, Becauſe of theſe an account and full reſtitution is to be made. And each party ſhall hereafter abſtain from all depredations, offences and ſpoils, as well by Sea as Land and Freſh Waters, in whatſoever the Kingdoms, Dominions, Places or Governments of the other: neither ſhall the aforeſaid Kings conſent, that any of the grievances beforementioned, be done by any their Vaſſals, Inhabitants or Subjects, and they ſhall cauſe reſtitution to be made of all depredations and ſpoils, which hereafter ſhall be committed, and of the damages growing by means thereof.

III. Item, *That none of the afore-named moſt Renowned Kings, their Heirs or Succeſſors whoſoever, by himſelf, or by any other, ſhall do, Treat or attempt any thing againſt the other, or againſt their Kingdoms, Lands, or Dominions, whatſoever in any place, on Land or Sea, or in the Ports of Freſh Waters, by pretence of any cauſe, or upon any occaſion; neither any of them ſhall give aſſiſtance or conſent unto any War, Counſel, Attempt or Treaties, had, made, or to be made in the prejudice of either or againſt the other.*

IV. Item, *That neither of the former parties, ſhall themſelves give or ſhall conſent to be given by any of the Vaſſals, Subjects, or Inhabitants, Aid, Favour, or Counſel, directly or indirectly, on Land, Sea, or Freſh Waters: nor ſhall ſupply and miniſter, nor conſent to be ſupplyed and miniſtred, by their ſaid Vaſſals, Inhabitants and Subjects, unto the Enemies or Rebels of either part, of what nature or condition ſoever they be, whether they ſhall invade the Countries and Dominions of either of them, or withdraw themſelves from their obedience and ſubjection, any Souldiers, Proviſion of Victuals, Monies, Inſtruments of War, Munitions, or whatſoever other Aid elſe to maintain War.*

V. *And furthermore the aforeſaid Kings ſhall renounce, as by the tenor of theſe preſents every of them hath and doth renounce, whatſoever League, Confederation, Capitulation and Intelligence, made by what manner ſoever, in the prejudice of the one or the other, which doth or may repugn againſt this Peace, or Concord, and all and ſingular the Contents thereof: All which and every of them, ſo far as they do concern the effect aforeſaid, they ſhall annul and make void, and declare to be of no force or moment.*

VI. Item, *It is agreed and accorded, that the ſaid moſt Renowned Kings ſhall take care, and their Subjects ſhall from henceforth abſtain from all force and wrong doing, and that they likewiſe ſhall revoke all Commiſſions and Letters of Repriſal, and Mart, or otherwiſe, containing Licence to take Prizes of what condition or kind ſoever they are, being to the prejudice of the one or other of the ſaid Kings, or of their Subjects or Inhabitants, or unto Strangers, and ſhall declare the ſame to be void and of no force, as by this Treaty or Peace they are declared ſo to be; and whoſoever ſhall do any thing to the contrary, he ſhall be puniſhed not only criminally according to the merit of his offence, but ſhall alſo be compelled*

to make reſtitution and ſatisfaction for the loſſes to the parties damnified, requiring the ſame.

VII. Item, *It is agreed and accorded that between the moſt Renowned King of* Great Britain, &c. *and the moſt Renowned King of* Spain, &c. *and every of their Vaſſals, Inhabitants and Subjects, as well by Land as Sea and Freſh Waters, in all and ſingular their Kingdoms, Dominions, Iſlands, and other Lands, Cities, Towns, Villages, Havens and Streights of the ſaid Kingdoms and Dominions, there be or may be free Commerce: In which before the War between* Philip *the ſecond King of* Spain, *and* Elizabeth *Queen of* England, *there hath been Commerce betwixt the ſaid Kingdoms according as it was agreed on in the Treaty of Peace made in the Year* 1604. *in the ninth Article, like and according to the uſe and obſervance of the Ancient Leagues and Treaties made before the ſaid time, in ſuch ſort and manner, as that without any ſafe Conduct or other Licence general or ſpecial, the Subjects of the one or other King, may freely, as well by Land as by Sea and Freſh Waters, go, enter, and ſail in and to the ſaid Kingdoms and Dominions, and all the Cities, Havens, Shores, Sea-Roads and Streights thereof, and put themſelves into whatſoever Havens of the ſame, where before the aboveſaid time, there hath been a mutual Commerce, and like and according to the uſe and obſervance of the Antient Leagues and Treaties aforeſaid, with Carriages, Horſes, Burdens, Ships as well Laden, as to be Laden, to bring in Merchandiſes, and there to Buy or Sell as much as they will, and in the ſame places upon juſt Prizes to procure and have Proviſion of Victuals for their Suſtenance and Voyages; and likewiſe as occaſion ſhall require, to repair ſuch Shipping and Carriages, as either appertain unto them in property, or elſe they have hired or borrowed, and from thence alſo with their Merchandiſes, Goods, and other Commodities whatſoever, the Cuſtoms, and Tolls, as they are preſently rated, according to the Ordinances of the Places, being paid, they may with like freedom depart and go to their own Countries, or any other Place at their pleaſure without let or impediment.*

VIII. Item, *It is likewiſe agreed and accorded, that it may be lawful to have acceſs unto the Ports of the ſaid Kings, and there to make ſtay, and from thence with the ſame liberty to depart, not only with their Ships of Merchandiſes and Burthen, but alſo with other Shipping furniſhed for War, and prepared to withſtand the force of Enemies: whether they ſhall arrive there either by Force of Tempeſt, or for repairing their Ships, or for Proviſion of Victuals, ſo as they exceed not the number of ſix or eight Ships, when they come in of their own accord, nor that they continue or make ſtay in the Havens, or about the Ports longer than they ſhall juſt cauſe for the repair of the ſame Shipping, or for Proviſion of other neceſſaries, leſt there ſhould be any occaſion of interruption unto the free Commerce and Entercourſe of other Friends and Nations in Amity: and whenſoever any greater number of Ships of War than is before ſpecified, ſhall have occaſion of acceſs into thoſe Ports, then ſhall it not be lawful for them to make any entrance without the privity and conſent of the King. Provided alſo that they do no Hoſtile Act within the ſaid Ports, to the prejudice of the Kings; but demean themſelves there quietly, as Friends and Confederates, with ſpecial caution ever to be had, that under the colour and pretext of Commerce, no Warlike Aid, Proviſion of Victuals, or of Arms, or of Munition, or other ſuch like materials for the Wars be carried by the Subjects, Vaſſals, or Inhabitants*

habitants of thoſe Kingdoms, to the Commodities or Benefit of the Enemies of the one or other King. And whoſoever ſhall attempt to the contrary, ſhall be puniſhed with thoſe ſharp pains and puniſhments uſed to be inflicted upon ſeditious perſons and breakers of Faith and Peace. Provided alſo, that the ſubjects of the one in the Dominions and Territories of the other, be not worſe handled, than the natural ſubjects in their Sales and Contracts for their Merchandiſe, as well in reſpect of the Prizes, as otherwiſe, but that the condition of Forraigners be equal and like herein unto natural Subjects notwithſtanding any Statutes or Cuſtoms to the contrary.

IX. Item, *It is agreed and accorded, that the ſaid moſt Renowned King of* Great Britain, &c. *Shall Prohibit, and after the confirming of theſe preſent Articles, by Proclamation forthwith provide, that no one of His Subjects, Inhabitants, or Vaſſals, ſhall Lade; or carry over by any means, directly or indirectly in his own name, or in the name of any others; neither ſhall lend his Ship or other Veſſel for carriage, or uſe his name for the Tranſporting or conveying of any Ships, Merchandiſes, Manufactures, or any other thing out of* Holland *and* Zealand *into* Spain, *and other the Kingdoms and Dominions of the King of* Spain; *neither ſhall carry in his Ships any* Holland *or* Zealand *Merchant unto the ſaid Ports upon peril of His Majeſties indignation, and other puniſhments uſually inflicted on the contemners of Royal Commandments. And to the effect that fraud, which through the likeneſs of Merchandize might happen, be the better avoided; It is alſo provided in this preſent Article, that the Merchandizes to be carried and conveyed out of* England, Scotland *and* Ireland, *to the Kingdoms and Dominions of the King of* Spain, *ſhall be Regiſtred and Sealed with the Seal of the Town or City from whence they ſhall be Laden, and that they being ſo Regiſtred and Sealed ſhall without any difficulty or queſtion whatſoever be reputed and held for* Engliſh, Scottiſh, *and* Iriſh *Merchandizes, and ſo reſpectively, according the Seal or Mark, be allowed and admitted. Always excepted, that in caſe of fraud, proof ſhall be admitted, without ſtay notwithſtanding or lett of the courſe or venting of the Merchandizes in the mean time. And touching ſuch Merchandizes, as ſhall, not be Regiſtred nor Sealed, the ſame are to be Confiſcated and taken for good prize. And likewiſe all* Hollanders *and* Zealanders *which ſhall be found in the ſame Ships, may alſo be taken and detained.*

X. Item, *It is alſo agreed, that the* Engliſh, Scottiſh, *and* Iriſh *Merchandiſes may freely be Conveyed and Tranſported out of the ſaid Kingdoms into* Spain, *and other Dominions of the ſaid moſt Renowned King, paying only the Cuſtoms and Tolls uſually required.*

XI. Item, *It is likewiſe agreed, that for the Merchandizes, which* Engliſh, Scottiſh, *and* Iriſh *Merchants ſhall buy in* Spain, *or other of the Kingdoms of the ſaid King of* Spain, *and ſhall carry in their own Ships, or in Ships hired or lent unto them (except, as before hath been ſaid, the Ships of* Hollanders *and* Zealanders) *no new Cuſtoms of Toll ſhall be encreaſed: Yet ſo as they convey and carry the ſame Goods and Merchandizes to the Kingdoms of the ſaid moſt Renowned King of* Great Britain, &c. *or to the Ports of the Provinces being in obedience to the King of* Spain. *And for the more ſurety that fraud be not committed herein, and that the ſaid Merchandizes be not Tranſported to other Places and Kingdoms, and eſpecially into* Holland *or* Zealand, *It is concluded, that the ſaid Merchants*

chants ſhall bind themſelves at the time that they do lade their Ships in Spain, *or in the other Kingdoms and Dominions of the ſaid King of* Spain *above declared, before the Magiſtrate of the place in which they ſhall Lade; to pay the impoſition of thirty in the hundred, in caſe they carry the ſame Goods and Merchandizes to other Dominions and Countries: And to obtain alſo within the ſpace of twelve months following, a Certificate from the Magiſtrates of the Places where they ſhall diſcharge or unlade the ſame Goods, teſtifying their diſcharge to have been either in the Kingdoms and Dominions of the King of* Great Britain, &c. *or in the Ports of the Provinces under the obedience of the ſaid King of* Spain: *Upon the exhibiting whereof, the obligations concerning thoſe matters ſhall be delivered up, unto the bringers of the ſame Certificates.*

XII. *And alſo that the ſaid moſt Renowned King of* Great Britain, &c. *ſhall Prohibit ſoon after the confirming of this accord, that none ſhall export any Merchandizes out of* Spain, *or other Kingdoms of the King of* Spain, *to be carryed to other places, than to His Majeſties Kingdoms, and the ſaid Ports of the Provinces in obedience, upon penalty of Confiſcation of all their Merchandizes to the uſe of the ſaid King of* Great Britain, &c. *to be paid into His Majeſties Exchequer; of which Merchandizes, or the value thereof, one half is to be given to the Informer, the impoſition of thirty in the hundred being firſt deducted, to be paid to the Miniſters and Deputies of the King of* Spain, *and the proofs lawfully received in* Spain, *and tranſmitted into* England *in an Authentical form, are to be credited. And it is alſo declared, that the ſaid Prohibition of Goods to be carried out of* Spain, *unto other places than the Kingdoms of* Britain, *and the other obedient Provinces of* Flanders, *doth no way comprehend thoſe Kingdoms and Dominions which enjoy a Free Trade with the Kingdom of* Spain: *for the Subjects of His Majeſty of* Great Britain, *may lawfully Tranſport the Goods of the Kingdom of* Spain, *unto thoſe that have a mutual Trade with* Spain, *the aforementioned Cautions, Conditions, and Penalties rehearſed in the precedent Articles againſt the Offenders remaining ſtill in force and ſtrength.*

XIII. Item, *That the Magiſtrates of the ſaid Towns, or Cities of His Majeſties Kingdoms, which ſhall make Certificates of the unlading of Ships, and are to give Teſtimony of the Regiſtring of the Merchandizes, ſhall not commit any fraud therein under peril of indignation of the Kings Majeſty, and pain of loſs of their Offices, and other more grievous puniſhments at the Kings pleaſure.*

XIV. *That which hath before been expreſſed concerning the Free Commerce, granted unto the Subjects of the ſaid moſt Renowned Kings, is to be underſtood to be likewiſe, and in the ſame manner agreed on for the Subjects of the moſt Renowned King of* Great Britain, &c. *and of the obedient Provinces of* Flanders; *To wit, that in all places whatſoever, their Subjects are bound reciprocally, to reſpect and to favour each other; and by mutual kind Offices, Friendly to entertain the one the other, and that by Land, Sea, and Freſh Waters, without any ſafe Conduct or other Licence, general or ſpecial, they may unto the ſaid Kingdoms, Dominions, Lands, Villages, Towns, Cities, Sea-Shores, Havens, Sea-Roads whatſoever, freely, ſafely, ſecurely, come, enter, ſail, carry, and recarry their Merchandizes, Buy and Sell, remain, abide and converſe in the ſame ſo long as it ſhall*

ſhall pleaſe them; take up any kind of Proviſion for Victual and things neceſſary for Suſtenance, and for Voyages, at juſt and reaſonable Prizes; and there repair alſo (as occaſion ſhall require) their Shipping and Carriages, whether the ſame be their own, or whether they be hired or borrowed: As alſo to depart from thence with like liberty, with Merchandizes, Goods and other things whatſoever (the Cuſtoms and Tolls, according to the Statutes of thoſe places being paid) and to diſpoſe, and follow their buſineſſes freely, and to return at their own pleaſure; either into their own Countries, or to any other place, without any impediment or lett, ſo as the Subjects of the moſt Renowned King of Great Britain, &c. *uſe not the Shipping of the* Hollanders, *or the United Provinces, and bring not into the Obedient Provinces, any of the Manufactures of* Holland, *or of the United Provinces, bought whereſoever; neither any other thing, for which there was paid in* Holland *any Tribute, nor that they Tranſport any thing from the Obedient Provinces, unto them of thoſe Provinces, until a pacification be confirmed: nor that they receive any the Goods of* Hollanders, *or of thoſe other places United, into their Ships, nor truſt any of their own Goods in the Ships of* Hollanders, *nor fraudulently by lending their names, colour the Goods of any* Hollander, *or other of the United Provinces: for that if any thing be committed to the contrary, and ſame be found, it ſhall be held for juſt and lawful Prize.*

XV. *And the aforeſaid Proviſos are not only to be underſtood of Ships Laden or to be Laden, in cauſe of Commerce, but alſo of Ships of War, which the ſaid Kings have, or ſhall have armed to repreſs the attempts of their Enemies: inſomuch as that it may be lawful for ſuch Ships of War, not exceeding the number before-mentioned, if they happen to be conſtrained, either by force of Tempeſt, or for buying of Victuals, or other things, or for repair of Shipping, to uſe the ſame liberty in arriving, ſtaying, and departing; ſo that they do no Hoſtile Act in the ſaid Ports, but demean themſelves honeſtly, and quietly, as it becometh Confederates and Friends: And ſo that they ſtay and remain not in, or about the ſame Ports any longer than ſhall be needful for Reparation and Proviſion of neceſſaries, that thereby they be not a hindrance, or interruption to the Free Commerce and Entercourſe with other Nations that are in Amity and Friendſhip: But where occaſion ſhall fall out of arrival of any greater number of Shipping than before ſpecified, it ſhall not be lawful for them to enter, but with the knowledg and allowance of the King.*

XVI. *And as the ſaid Kings do Religiouſly promiſe, that they will not any time yield any Warlike Succour to any of the others Enemies, ſo it is provided, that their Subjects, or the Inhabitants in their Realms, of what Nation or Quality ſoever they be, may not under colour of Entercourſe and Commerce, nor upon any other Colour or Pretence give any Aid or Help to the Enemies of the ſaid Kings, or of either of them, or confer or ſupply them with Mony, Proviſions of Victuals for War, Armour, Munition, Ordnance, Artillery, or other Warlike Proviſion, and thoſe which ſhall do the contrary, are to take knowledg, that they ſhall be puniſhed with the ſevere puniſhments accuſtomed to be inflicted upon breakers of League, and Seditious perſons.*

XVII. *And*

XVII. *And that alſo greater benefit may through this concord come unto the Subjects of the moſt Renowned King of* Great Britain, *and of the moſt Renowned King of* Spain, *in their Obedient Provinces, it is accorded and concluded that the ſaid moſt Renowned Kings joyntly and ſeverally will do their endeavours, that their Subjects have not the paſſages ſtopped or letted unto any of their Ports, Kingdoms and Dominions, that thereby they be not hindred, freely and without impediment to come and go with their Shipping, Merchandize and Carriages (the ordinary Cuſtoms and Tolls being paid) to all the ſaid Ports, Kingdoms, and Dominions: And with the like liberty (when it ſhall ſeem ſo good unto them) with other Merchandizes from hence to depart.*

XVIII. *But as concerning the Ancient Treaties of Entercourſe and Commerce, whereof divers are extant, betwixt the Kingdoms of* England, Scotland, *and* Ireland, *and the Dominions of the Dukes of* Burgundy *and Princes of the Low-Countries, which notwithſtanding during the troubles have been intermitted, and peradventure in ſome parts impaired; it is agreed by way of Proviſion, that they ſhall retain and have their Antient Force and Authority; and that they ſhall be uſed on both parts as they were before the War between* Elizabeth *Queen of* England *and* Philip *the Second, according as it was agreed on in the Treaty of Peace made in the Year one thouſand, ſix hundred and four, in the two and twentieth Article. And if it happen that either by both parts, or any one part, any breach thereof be alledged, or that the Subjects ſhall complain, that the Conventions are not obſerved, or that more grievous burdens than were accuſtomed, are impoſed on them, there ſhall be Deputies appointed on either part, which may meet, and calling unto them (if need be) Merchants experienced in ſuch matters, may Friendly Treat, and equally renew and reſtore ſuch things, as ſhall be found either to have ſlipped out of courſe, or to have been changed by the injury of time, or by corrupt cuſtom and uſe.*

XIX. *And for that the rights of Commerce which do enſue by Peace, ought not to be made unfruitful, as they would be, if the Subjects of the moſt Renowned King of* Great Britain, &c. *Whilſt they have recourſe to and from the Kingdoms and Dominions of the ſaid King of* Spain, *and do remain there for Commerce, ſhould be moleſted in the Cauſe of Conſcience: therfore to the intent their Traffick may be ſafe and without danger, as well on Land as on Sea, the ſaid moſt Renowned King of* Spain *ſhall take care, and provide, that for the ſaid Cauſe of Conſcience they ſhall not be moleſted nor inquieted in uſing their Trade and Commerce, ſo as they give not ſcandal unto others.*

XX. Item, *That if it happen any Goods or Merchandizes Prohibited to be carried or conveyed out of the Kingdoms and Dominions of the ſaid moſt Renowned Kings, by the Subjects of the one or of the other; That in ſuch caſe, the perſon only offending ſhall incur puniſhment, and the Goods only Prohibited ſhall be Confiſcated.*

XXI. Item, *That the Goods of the Subjects, dying within the Kingdoms or Dominions of either, ſhall be conſerved to the right Heirs and Succeſſors of the deceaſed; the right of a third perſon alway reſerved.*

XXII. Item,

XXII. Item, *That the grants and priviledges given by the Kings to Merchants of either of the Kingdoms, coming to their ſaid Kingdoms, and which priviledges through the Wars have ceaſed ſhall from henceforth wholly be revived, and have their full force and ſtrength.*

XXIII. Item, *if it ſhall happen hereafter (which God forbid) that any diſpleaſure do ariſe, betwixt the ſaid moſt Renowned Kings, the King of* Great Britain, *and the King of* Spain, *whereby danger might grow of the interruption of Entercourſe and and Commerce, then the Subjects of either King are thereof ſo to be admoniſhed, as that they may have ſix months from the time of the monition to Tranſport their Merchandizes without any Arreſt, Diſturbance, or Hurt in the mean ſeaſon, to be done or given unto them either in their Perſons or Merchandizes.*

XXIV. Item, *That none of the foreſaid Kings ſhall imbarge or ſtay for their Proviſion in War, or for any other ſervice, to the prejudice of the Owners the Ships of the Subjects of any of the others, being in their Ports, or Waters, unleſs the King of thoſe parties to whom the Ships do appertain ſhall firſt be admoniſhed thereof, and ſhall alſo yield his conſent thereunto.*

XXV. Item, *It is accorded, that if during this Peace and Amity, any thing happen to be attempted, committed, or done, againſt the force and effect thereof by Land, Sea, or Freſh Waters, either by any of the ſaid Kings, their Heirs aud Succeſſors, their Vaſſals, Subjects or Allies comprehended in this League, or of any the Heirs or Succeſſors of thoſe Allies, their Subjects or Vaſſals; Yet notwithſtanding this Peace and Amity ſhall remain in ſtrength and vertue, and the attempters and ſuch as do offend therein only, and no other, ſhall be puniſhed for their attempts.*

XXVI. Item, *That ſuch as have been taken in War, and are Captives on either part, although they be Condemned to the Gallies, ſhall be releaſed and diſmiſſed, the Charges of the diet ſuch as are not in the Gallies, being firſt diſcharged, and the Ranſoms of ſuch as have before agreed for the ſame, being by them payed.*

XXVII. Item, *It is concluded, that all civil actions, which at the time when the laſt Wars began, were of validity and force, may yet be exerciſed and purſued, notwithſtanding any lapſe of time during the ſame War, ſo as no prejudice ſhall be underſtood to have grown unto them, during the continuance of the War, thoſe only excepted which are already come to the Exchequer or Princes Treaſury.*

XXVIII. Item, *If any Controverſie happen to be moved in the Kingdoms and Dominions, of the one or other of theſe Kings, by any perſon not being ſubject to the ſame King, for or upon occaſion of any depredations or ſpoils committed; the cauſe is to be remitted to the Judg of the juriſdiction under that King againſt whoſe ſubject or ſubjects the Suit is Commenced.*

XXIX. Item, *That if the* Hollanders *and other Confederate States, will propoſe conditions of pacification with the moſt Renowned King of* Spain *and his Succeſſours, through the means of the moſt Renowned King of* Great

Britain: *The ſaid moſt Renowned King of* Spain *and his Succeſſours, will always willingly harken unto that which ſhall be propoſed juſt and reaſonable therein; and will deſire that by the help of the ſaid moſt Renowned King of* Great Britain, *they may be brought to propoſe equal conditions, wherein they ſhall well underſtand, how much the ſaid King of* Spain *doth attribute unto the Authority of the ſaid King of* Great Britain *his loving brother.*

XXX. Item, *It is concluded and accorded, that in this preſent Treaty of Peace; there be comprehended, the Adherents, Friends, and Confederates of the forenamed Kings, That is to ſay,*

On the part of the moſt Renowned King of Great Britain, *&c.*

Ferdinando, Roman Emperour: with the Arch-Dukes of *Auſtria* and the Electors of the Empire, together with the States and Cities of the Empire.
The Duke of *Lorrain.*
The Duke of *Savoy.*
The Dukes of *Brunſwick, Lunenburgh, Wirtemberg,* and *Meckelburgh.*
The Landgrave of *Heſſen.*
The Marqueſs of *Baden.*
The Dukes of *Pomerania.*
The Prince of *Anhalt.*
The Earl of *Eaſt-Frieſland.*
The Cantons of *Helvetia,* and the *Griſons.*
The Hauns Cities.
The *French* King.
The Kings of *Denmark,* and of *Poland,* and of *Sweedland.*
The Duke and State of *Venice.*
The Duke of *Holſtein,* and the Duke of *Florence.*

On the part of the moſt Renowned King of Spain.

Ferdinando, Roman Emperour, and his Brethren, and other Princes, Arch-Dukes of *Auſtria,* Princes of the Empire.
The Electors, Cities and States, ſubject to the Empire.
The *French* King.
The King of *Poland* and *Sweedland.*
The King of *Denmark.*
The Duke and State of *Venice.*
The Duke of *Savoy.*
The Duke of *Bavaria.*
The Duke of *Cleve.*
The Duke of *Holſtein.*
The Duke of *Lorrain.*
The Duke of *Parma* and *Placentia.*
The Biſhop and Province of *Liege.*
The Duke of *Florence.*
The Duke of *Mutine* and *Regium.*
The Duke of *Urbine.*
The Confederates and Cantons of the *Helvetians* and *Griſons.*
The Cities of the *Hannſe.*
The Earl of *Eaſt-Frieſland* (without notwithſtanding any prejudice of the right by the King of *Spain* and Arch-Dukes, pretended for their States.)
The Duke and Common-wealth of *Genoua.*
The Principal of the houſe of *Columna.*
The Prince of *Oria.*
The Principal of the houſe of *Urſine.*
The Duke of *Sermoneta.*
The Lord of *Monacho.*
The Earl of *Mirandula.*
The Prince of *Maſſia.*
The Earl of *Sala,* and the Earl of *Colorno.*

XXXI. Item,

XXXI. Item, *It is likewiſe accorded and concluded, that the ſaid moſt Renowned Kings,* Charles *by the Grace of God, King of* Great Britain, France, *and* Ireland, &c. *and* Philip *King of* Spain, &c. *ſhall ſincerely, and faithfully obſerve and keep, and procure to be obſerved and kept by their Subjects and Inhabitants, all and ſingular the Capitulations in this preſent Treaty accorded and concluded, neither ſhall they directly, or indirectly infringe the ſame, or conſent that the ſame ſhall be infringed directly, or indirectly by any of their Subjects or Inhabitants: and they ſhall Ratifie, Authoriſe and Confirm all and ſingular the conventions before accorded, and concluded by Letters Patents, Subſcribed with their own Hands, and Sealed with their Great Seals, in ſufficient, available, and effectual form, and the ſame ſo formed and made, ſhall upon the firſt occaſion deliver, or cauſe to be delivered faithfully, really, and effectually, whereby they may mutually bind themſelves in the word of a King and by Oath to be ſolemnly taken upon the Holy Evangeliſts, to obſerve and perform all and ſingular the premiſſes, whenſoever they ſhall be by either part thereunto required. And furthermore they ſhall cauſe this preſent Treaty of Peace to be publiſhed in the manner and places accuſtomed, ſo ſoon as conveniently the ſame may be.*

By the KING.

Defective Titles, *May* 27. 1630.

An Abſtract of the ſeveral Heads and Branches for which his Majeſties Commiſſioners, by vertue of his Majeſties Commiſſion of Grace, bearing Date the 23. day of January *laſt paſt, have Power to Compound with ſuch as ſhall deſire the ſame.*

FOr all Mannours, Lands, Tenements, Waſts, Commons, Tythes, ariſing as well without Pariſhes, as within Pariſhes, Wards, Marriages, Liberties, Priviledges, and other Hereditaments, lying, being, and ariſing within, neer, or adjoyning unto any of his Majeſties Mannours, Foreſts, Parks, Chaſes, and elſewhere, as well within the Survey of his Majeſties Exchequer, as in the Survey of the Dutchy of *Lancaſter*, or County Palatine of *Lancaſter*, Dutchy of *Cornwal*, and County Palatine of *Cheſter*, which are held and enjoyed under colour of ſome defective, void, or inſufficient Grant, or under ſome Letters Patents of Concealments, or otherwiſe, meerly intruded upon, and uſurped without any Grant thereof from his Majeſty, or any of his Predeceſſors.

For all Mannours, Lands, Tenements, and other Hereditaments, granted Entail out of the Crown, whereof the Eſtate Tail is not ſpent, and yet the ſaid Grants have been inſufficiently granted; or which ought to have deſcended upon the Kings Perſon, and yet have likewiſe been inſufficiently granted, or whereof the Eſtate Tail is ſpent and determined, or for all Remainders or Reverſions depending upon Eſtates Tail, except ſuch Eſtates as Sir *William Haydon* had power to Compound for.

For all Meſſuages and Cottages built, incroached, and made within, or adjoyning unto any City, Town, or Hamlet, or upon the Common High-ways, Streets, Paſſages, Lanes, Rivers, Sewers, Commons, and Waſts, with all other Encroachments, Aſſert Lands, Improvements, and Incloſures of Commons, Brecks, Fellets, and ſuch other Incloſures, waſte Grounds, Moors, and other Heathy Downes, Incloſed, or not Incloſed, being his Majeſties Inheritance, either in the right of his Crown of *England*, or otherwiſe, lying, and bing within, near, or adjoyning unto any of his Majeſties Mannours, Foreſts, Parks, Chaſes, or elſewhere. For all Lands, Mariſhes, or other Grounds (with the Tenements thereupon built) heretofore recovered or deſerted from, or by the Sea, or now ſurrounded with Sea; or which hereafter ſhall or may be recovered and deſerted by or from the Sea.

For all Cuſtodies, and all Mannours, Lands, and Houſes, granted, or committed (to any Corporation, or other Perſon or Perſons, Bodies Politick or Corporate) to Cuſtody, with all ſuch Mannours, Lands, Tenements, and other Hereditaments formerly let by Leaſes, and the Leaſes expired, or otherwiſe determined, whereby the Inheritances of the ſaid Premiſſes do remain, and the Reverſions thereof are come unto the Crown, and yet, without any juſt Title thereunto, detained from the Crown.

For all Charters of Incorporations, which are either void or defective, with all Leaſes and Grants of Offices by Uſurpation, by Corporations, Cities, Burroughs, and Towns; or by any other Perſon or Perſons which are forfeited and determined in Law, by Non-uſage, or miſuſage

miſuſage thereof; or by exceeding the Extents and Limits of the ſaid Grants; or by the uſage thereof without any Grant thereof at all from the Crown. All Mannours, Lands, Tenements, and other Hereditaments which ought to come unto his Majeſty, by any manner of Eſcheat or Forfeiture whatſoever, or which might otherwiſe come unto his Majeeſty, by any which are Aliens born, all Felons goods, all Goods, Chattels and Credits of Felons *de ſe*, Fugitives and Perſons Outlawed, Deodands, Wayſes, Eſtrayes, Reliefs, Herriots, and other Perquiſites of Courts, with all Tolls of all kinds uſurped, or unjuſtly withholden from the Crown. For all Woods, Under-Woods, and Wood-grounds wrongfully withholden, intruded upon, incroached, or waſted to his Majeſties prejudice, with all the Damages which ought to be anſwered unto his Majeſty, or his Predeceſſors for the ſame.

For all Rents, Annuities, Quit-Rents, Annual Payments, and other yearly Sum and Sums of Money due unto his Majeſty out of any Mannour, Lands, Tenements, and other Hereditaments, by any Corporations, or other Burroughs, Towns, or any other Perſon or Perſons, Bodies Politick or Corporate, which have not been duly anſwered by them unto the Crown: With all Mannours, Lands, Tenements, and other Hereditaments, which ought to be in Charge, and are not, but ſome Fee-Farm Rent only anſwered in lieu of the Land, or where both the Lands and Rents ſtand in Charge, and the Rents anſwered, and yet the parties enjoying the Lands, never had any Grant thereof from the Crown, or where the Lands ſtand in Charge as Lands, and yet the Rents ſtand not in Charge, nor yet anſwered unto the Crown by them that pretend Intereſt in the ſaid Lands.

The aforeſaid Commiſſioners to Bargain, Grant, and Sell any of the Premiſes (which are not ſetled by the within named Act) in Fee-Simple, Fee-Farm, Fee-Tail, for term of Life, Lives, or Years, unto ſuch Perſon and Perſons as are the preſent Poſſeſſors of the ſaid Premiſſes; or otherwiſe to make unto them ſuch other Releaſes and Diſcharges, as their ſeveral Caſes ſhall require. But upon their refuſal or wilful neglect of this his Majeſties intended Grace (by not accepting the ſame within the time limited) the Commiſſioners to ſell any of the Premiſſes to ſuch others as ſhall be Suitors for the ſame. And for the ſurrounded Grounds, and ſuch like, where there is no preſent Poſſeſſors, the Commiſſioners to ſell thoſe Lands to ſuch as will Compound for the ſame.

And where the Tenure appeareth upon Record, the former Tenure is to be reſerved: But where no Tenure appeareth upon Record, there the Tenure is to be in Socage.

And *Robert Shipper* of *Grayes Inn*, his Majeſties Servant, is to attend the ſaid Commiſſioners in the Execution and proſecution of the ſaid Commiſſion.

October 12. 1632.

A

DECREE

In the STAR-CHAMBER,

About Counterfeiting of Seals to COLCHESTER Bays.

In Cam. Stell. coram Conc. ibid. xii. *die* Octob. *Anno Octavo* CAROLI *Regis.*

ONE *Thomas Jupp* a Cloathworker of the City of *London*, being at the Bar of this Court, His Majesties Attorney General informed this Court, that he had taken the Examinations of the said *Thomas Jupp*, concerning the Counterfeiting of Seals usually affixed to the Bayes of *Colchester*, and fixing them to other Bayes of meaner condition, and shewed forth certain Iron Stamps and pieces of Bayes, Sealed some with the true Seals of that Town; attesting that some of them were truly wrought, and that others of them were deficient, and others of them Sealed with Counterfeit Seals, put to Bayes not of the making of *Colchester*, but of less estimation, which being shewn to the said *Thomas Jupp*, he acknowleged his Confession made upon that Examination to be true, and that these Stamps and pieces of Bayes came from his hands to His Majesties Attorney; which Confession followeth in these words.

The Examination of *Thomas Jupp*, of *Abchurch-Lane* in the City of *London*, *Cloathworker*, taken before *William Noy*, His Majesties Attorney General the fifth day of *September*, in the Eighth year of His Majesties Reign. He saith that in *July* last he bought in *Leaden-Hall* Bay Market of *John Bryan* of *Bocking*, one hundred and ten *Flemish* Ell of *Mynikin* Bayes of *Bocking* making, at 21 *d. ob.* the Ell, and three other Pieces of about fifty like Ells, the Piece at 1 *l.* 13 *s. ob.* the Ell.

He saith also that *Colchester* Bayes are commonly somwhat dearer than the Bayes of *Bocking*.

He taketh it that *Colchester* Bayes sell better beyond the Seas than other Bayes, and hath long been of that opinion.

He saith that he having long been a Workman, is able to discern a *Colchester*, or *Sandwich*, or *Bocking* Bay one from another, but other men that are not Workmen, discern them by their Seals.

He saith that he bought these Bayes for one *Goddard* a Sea-faring man, that abiding about *Deptford*, but what his Christian name is he knoweth not, but thinketh it is either *George* or *William*, and that he was allowed no more in those Bayes but as he paid for them, save for his Labour in Buying and Bailing of them, and Canvas, he had about 25 *s.* and for some other Labour.

He

He confeſſeth when the Bayes had been bought, *Goddard* asked the Examinant how he ſhould do for Seals, and the Examinant told him he would do his endeavour or the beſt he could to grace his Commodity.

And further acknowledgeth that when the Bayes were brought to the Examinants houſe, he put Seals to them like the *Colcheſter* Seals uſed for Bays, and ſaith that the Seals ſhewn to him by the Attorney General, in one ſide whereof is depicted a Griffin or a Dragon, and the other ſide three Crowns, which he takes to be the Arms of *Colcheſter*, and on another is written *D. W. S. Colcheſter* Bay, 1571. were Stamped on by himſelf, but it is Bungerly and not well done: And thoſe Seals that he put to one of thoſe Bayes, is cloſed up in a Paper Sealed by the Attorney and the Examinant.

He ſaith that thoſe Depictures are Graven in Iron, and that the Irons are in the Examinants keeping. And he ſaith that he will deliver the Stamps to the Attorney General.

Being demanded who did grave thoſe Irons which he uſed for Seals, he ſaith that he knoweth not who did grave them, but ſaith that ſome of them were graved in *Foſter-Lane* about half a year ſince, and the Examinant paid for the graving of them, for ſome of them more, and for ſome leſs. *Thomas Jupp, William Noy.*

Upon *Friday* the ſeventh day of the ſame *September*, the ſaid *Thomas Jupp* being again Examined, delivered to the Attorney General ſeven Iron Stamps, in one a Griffin, in another three Crowns, in another *D. W. S. Colcheſter* Bay, 1571. in the other four ſeveral numbers are Graven, and then being told that it appeareth by two of the Stamps that they had often Stamped, and demanded how long he hath had them, ſaith at one time, that he hath had them about half a year, at another time about a year: he ſaith that one *Thomas Downs* who is in *Ireland*, as he hath heard, did deliver them unto him at his laſt being in *England*, but remembreth not the time. Being demanded for whom he hath Stamped any Seals beſides *Goddard*, he refuſeth to declare.

He ſaith that the Buyers do commonly buy Bayes for *Colcheſter* Bayes without further enquiring than view of the Seal.

He ſaith that thoſe Stamps do differ from the Seal of *Colcheſter*.

He ſaith that the Seals of Lead ſhewn unto him Sealed up in Paper by him and the Attorney General, were made of the Stamps, now produced by him, by himſelf without the help of any other, and fixed to one of the Bayes which the Examinant bought and delivered to *Goddard*, as he formerly declared.

He ſaith that the ordinary price for Baling of five Bayes in Canvas Ropes and Labour comes to about eight ſhillings, and if in three Bales it comes to about a Mark, and thoſe Bayes were made up in three Bales.

The Iron Stamps are bound up in a piece of Canvas, which he hath Sealed and remaineth with the Attorney General. *Tho. Jupp, William Noy.*

Upon *Friday* the fourteenth of the ſame *September*, in preſence of the Examinant and of the Attorney General and others, one piece of the Bayes which he Sealed with the Counterfeit Seals, was brought and ſhewn to the Examinant which he confeſſeth to be the ſame which he Sealed for *Goddard*, and ſaith that it is no *Colcheſter* Bayes, and he knows it by the Work. At the ſame time two other pieces of Bayes were brought and ſhewn to him, which he knew by the Work (himſelf being

a Workman) to be *Colcheſter* Bayes, whereof one hath the whole Seal and is not faulty, the other is marked as Faulty, by cutting off a piece and fixing the Seal at the Angle. And he ſaith that the Bay marked as faulty, is better than the *Bocking* Bay which he Sealed with the whole Seal.

The Examinant alſo ſaith that he hath often made the faulty Bayes have the whole Seal, by cutting off the puckle of the Bay at the Angle, and drawing it and fixing that Seal in another place, ſo as in view it is Sealed with the whole Seal, which he did ſhew the manner in the preſence of the Attorney and others, and ſaith that he hath ſo done above a hundred and a hundred times for Merchants, and many of them he hath done within this month, a piece of each Bay remaineth with the Attorney marked by the Examinant. *Thomas Jupp*, *William Noy*.

Which being Read, and view taken by their Lordſhips of thoſe pieces of Bayes, and the Stamps and Seals, His Majeſties Attorney General humbly prayed their Lordſhips that ſome exemplary puniſhment might be inflicted uponthe ſaid *Tho. Jupp*: whereupon their Lordſhips taking into conſideration the many Laws that have been provided for the true Draping of the Wooll of this Realm; by Ordaining the Searching, Meaſuring, Marking, Affixing Seals of divers places where they are Draped, and the publick Seals of the Alnager unto the Cloths; that the people of this Town of *Colcheſter* and of the parts adjoyning, receive a great part of their ſuſtenance by making of Bayes; that for many years paſt, by occaſion of the careful ſearch there made, they have been truly and not deceitfully made, and of a known goodneſs; that ſuch of them as are fully wrought are Sealed with a Seal atteſting their goodneſs: if upon ſearch any prove not ſo good, they are marked for ſuch, ſo as the Buyers both within the Realm and abroad may be aſcertained of the goodneſs of the Merchandize by view of the Seal, wherein (the Law requiring it) ſuch great care hath been had from time to time, that upon the credit of the Seal alone they were plentifully and readily vented in all places. And albeit there had not been hitherto any diſcovery made of Delinquents in this kind: Yet their Lordſhips taking into their ſerious conſideration, that the offence of the ſaid *Thomas* is a falſe Couſenage, by which the Buyers being deceived, will not be ſo ready to Buy any other Cloths upon the credit or atteſtation of the Seals, ſo as the good, and true Workers of Cloth will not receive encouragement to make true Workmanſhip as they were wont, but be enforced for vent, to make their Cloths like unto thoſe whereunto ſuch Counterfeit Seals ſhall be affixed, and in time produce a diſaffiance to the atteſtations of the Seals, whereof will enſue many inconveniencies; and they can foreſee that if this new falſity ſhould be unpuniſhed it will grow further abroad.

And therefore their Lordſhips have thought Fit, Ordered, Adjudged, and Decreed that the ſaid Delinquent, *Thomas Jupp*, ſhall ſtand and be Committed to the Priſon of the *Fleet* during His Majeſties pleaſure, and not to be thence enlarged until he ſhall diſcover and make known the names of ſuch Merchants for whom he hath uſed and practiſed the ſaid deceit. And if at any time His Majeſty ſhall be pleaſed to enlarge the ſaid *Jupp*, It is then Ordered before his enlargement he ſhall find good Sureties for his Good Behaviour.

And it is alſo Ordered and Decreed, that the ſaid Delinquent ſhall pay a Fine of one thouſand pounds to His Majeſties uſe.

And

And the Court doth further declare, that if in caſe the ſaid *Jupp* ſhall continue ſtubborn and ſhall refuſe to diſcover the names of ſuch Merchants or other Tradeſmen for whom he hath uſed and practiſed the aforeſaid fraud and deceit, their Lordſhips do reſerve a power of inflicting ſome further Compulſory means to cauſe him to confeſs their names.

And to the end the world may take notice how much this Court doth diſlike and condemn ſuch notorious Couſenages and Deceits, their Lordſhips have further Ordered, Adjudged and Decreed that the ſaid *Thomas Jupp* ſhall on ſome Market day be ſet upon the Pillory in *Cheapſide*, with a Paper on his Head, wherein ſhall be inſcribed words declaring the nature of his offence. At which time it is alſo thought fit and Ordered that this Decree ſhall be publickly Read, and that ſeveral Copies be thereof Printed, and ſet up upon Poſts and other eminent places about and near the the ſaid Pillory, to remain there, ſo as the cauſe of his Puniſhment may be generally known, and other like lewd perſons deterred from committing the like offences.

And it is further Ordered and Decreed, That the ſaid *Jupp* ſhall in like manner be ſet upon the Pillory in *Cornhil* and againſt the *Exchange*, at *Blackwel-Hall*, *Bocking* and *Colcheſter*, upon ſeveral Market days, with the like Paper on his Head, inſcribed as is aforeſaid. At all which ſaid ſeveral times and places it is Ordered, that this Decree be publickly Read, and that ſeveral Printed Copies of this Decree ſhall alſo be ſet up on ſeveral eminent places, on, and about, and near the ſaid places and Pillories, to remain there for the purpoſes aforeſaid, and ſpecially at *Blackwel-Hall*, the Officers there ſhall continue the ſaid Printed Copies upon Poſts and open Places, in, and about the ſaid Hall ſo long that the Clothiers of all parts of the Kingdom coming thither may have notice thereof, whereby it may be divulged in all the Clothing Towns and Countries in the Kingdom, how unlawful and how dangerous it is to uſe any falſities and deceits tending to the diſcredit of the Clothing of the Realm, and how careful His Majeſty, and the State and all His Courts of Juſtice will be to ſee the ſame ſeverely puniſhed.

And Laſtly, to the end ſuch Merchants or other Tradeſmen as have ſet this Delinquent or any other Clothworker at Work, to practiſe this deceitful Sealing of Bayes, may be known and diſcovered, The Court doth hereby publiſh and declare, that ſuch perſon or perſons as ſhall make ſuch diſcovery, and bring the Delinquents to receive the Sentence of this Court, ſhall for their reward have half the Fine or Fines which ſhall by this Court be impoſed upon them. And if any Clothworker who have uſed and practiſed ſuch deceit ſhall diſcover their Procurers and Encouragers, ſuch perſons ſo confeſſing, ſhall receive the mercy and favour of this Court.

The Decree at large concerning Depopulation againſt Sir Anthony Roper, *in the Court of Star-Chamber.*

In Camera Stellata coram Concil. ibidem decimo die Octobris Anno decimo Caroli Regis.

THis day came to be heard the matter of Complaint exhibited into this Court by his Majeſties Attorney General upon the proſecution, and by the Relation of *John Philpot* Eſquire, againſt Sir *Anthony Roper* Knight Defendant, for Depopulation, converting great quantities of Land into Paſture, which formerly, for the ſpace of about Forty years, had been Arable, uſed to Tillage, and occupied as belonging to ſeveral Farm-houſes, and houſes of Husbandry in the Pariſh of *Farmingham* in the County of *Kent*, and for ſuffering the ſaid Farm-houſes, with their out-houſes, to be ruined, and uninhabited, and one Water-Griſt-Mill to decay and go to ruine, as by the ſaid Information more fully and at large it doth and may appear upon full and deliberate hearing, whereof it plainly and evidently appeared to this Honourable Court by the Teſtimonies of ſeveral good and ſufficient Witneſſes, this day openly read in Court, that the ſaid Defendant being ſeized in Fee of Five ſeveral ancient Meſſuages, and Farm-houſes, and of a Water-Griſt-Mill, lying in *Farmingham*, *Evesford*, *Horton*, *Kirby*, and *Knightdown*, in the County of *Kent*; One of which was called *Pethams Place*, or *Pethams Farm*, late in the occupation of *Thomas Newington*; to which Farm anciently belonged and was uſed, as Arable, one hundred, or one hundred and twenty Acres of Land, and whereupon was uſually kept one or two Plows, and divers Servants imployed in and about the Tilling, Manuring, and Husbanding thereof, to the great benefit of the Common Wealth, and of his Majeſty. One other Farm-houſe, late in the occupation of *John Newington*, whereunto belonged, and was anciently uſed one hundred and forty Acres of Land as Arable, and whereon was uſually kept one Plow for Husbandry, and half a dozen Servants imployed in the Husbandry thereof. One other Farm, late in the occupation of one *Roger White*, whereunto alſo anciently belonged, and was uſed ſix or ſeven ſcore Acres of Land as Arable, and for Tillage by the ſaid *Roger White*, who ordinarily kept and imployed ſix Servants in the Husbanding thereof. One other Farm, heretofore in the Tenure or occupation of *Francis Beſt*, whereunto was anciently uſed one hundred and twenty Acres of Land for Tillage, whereon one Plow was uſually kept, and ſeveral Servants imployed in the Plowing, Manuring, and Husbanding thereof: And one other Farm, heretofore in the occupation of one *John Beſt*, whereunto was anciently uſed one hundred and ſix Acres of Land for Tillage and ſowing of Corn, whereon one Plow and ſix Servants were uſually kept and imployed in the Husbanding of the ſaid Corn-Land; and all the ſaid ſeveral Farms, when they were uſed in Tillage, were furniſhed with ſufficient Houſes, Barns, and Out-houſes, neceſſary for Farmers to dwell in, who ſold and vented to

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London and elſewhere yearly about forty or fifty Quarters of Wheat, beſides other Grain, out of each Farm one with another, and many poor men and women were then and there ſet on work, and about twenty perſons fit for War were maintained in and upon the ſaid Farms; as alſo ſeveral Carts ready and fit to do his Majeſty ſervice, in carrying Timber for repair of his Navy, and otherwiſe, which the ſaid Defendant nothing regarding, but reſpecting his own Commodity above the general good of the King, Country, and Commonwealth, hath of late years taken into his own occupation all the ſaid ſeveral Farms, and converted all the Lands thereunto, formerly uſed for Tillage, into Paſture, to the great decay of Husbandry in thoſe parts, although he might have had ſufficient Tenants for them, that would have given as great or greater Rents for the ſaid ſeveral Farms than they were formerly let for, and hath alſo depopulated and pulled down three of the ſaid Farm-houſes, and ſuffered the other two to run to ruine, and to lie uninhabited; inſomuch, that whereas in former times one of the ſaid Farms, called *Pelhams Place*, was a great defence and ſuccour to Travellers who paſſed that way; the ſame, ſince the Depopulation thereof, have been a harbour for Thieves, and many Robberies hath been thereabouts committed, and moneys recovered by the robbed perſons from the Hundred, which, together with the want of thoſe Plows which were formerly kept there, hath been a great burden to that part of the Country, there being never a Cart now kept upon any of the ſaid three Farms. And it alſo further appeared that the ſaid Defendant hath not only Depopulated the ſaid ſeveral Farms, and converted the Arable into Paſture, but hath in like ſort, to the great inconvenience and prejudice to the ſaid Town of *Farmingham*, pulled down, and ſuffered to go to decay, and be uninhabited one Water Corn Mill, which heretofore ground good ſtore of Corn weekly. Upon grave and deliberate conſideration of all which matters the Court did with a joynt Conſent and Opinion declare, that the ſaid Defendant was clearly guilty of the ſaid Depopulation, and converting his Arable into Paſture, wherewith he is charged by the Information in manner as before is expreſſed, and that the ſaid offences are puniſhable by the Common Law of this Kingdom, and fit to be ſeverely puniſhed the rather for that it is a growing evil, and hath already ſpread it ſelf into very many parts of the Kingdom; and mean time if it be not met withal, and prevented by the juſt Cenſure of this Court, grow very prejudicial and dangerous to the State and Commonwealth, and therefore their Lordſhips hold him to be a very great Offender, ſhall ſtand and be committed to the Priſon of the *Fleet*, and pay a Fine of 4000 *l.* to his Majeſties uſe, and, at the next Aſſizes to be held for the ſaid County of *Kent*, ſhall in the open Court, the Judges and Juſtices there ſitting, acknowledge his ſaid offences; at which time and place, for the better manifeſtation of his Offence to the Country, and to the end others ſeeing his puniſhment may thereby hereafter be warned to forbear to commit the like offences: It is ordered that this their Lordſhips Sentence and Decree ſhall be publickly read, and further the Court conſidering and commending the pains, care, and travel taken by the Relator in bringing this Cauſe to Judgment, and being ſatisfied upon hearing of the Cauſe, that the Poor of the ſaid Pariſh of *Farmingham*, and the Miniſter there have been ſeverally damnified by the ſaid Defendant; their Lordſhips have further ordered and decreed, that the ſaid Defendant ſhall pay unto the ſaid Relator a hundred pounds for a recompence of his

Travel, beſides his Coſts of ſuit; and to the Miniſter of the ſaid Pariſh of *Farmingham* one hundred pounds; and to the Poor of the ſaid Pariſh one hundred pounds, to be diſtributed to, and amongſt them, at the diſcretion of four of the next Juſtices of the Peace adjoyning to the ſaid Town of of *Farmingham*. And laſtly, the Court hath ordered, that the ſaid Defendant ſhall within theſe two years repair and build again all the ſaid Farm-houſes, with their Out-houſes, and the ſaid Corn-Mill fit for habitation and uſe as formerly they were, and ſhall reſtore the Lands formerly uſed and let with the ſaid Farms to the ſaid Farm-houſes again, and let and demiſe the ſaid ſeveral Farms to ſeveral Tenants for reaſonable Rents ſuch as the Country will afford, and that all the ſaid Lands ſhall be again plowed up, and uſed for Tillage, as formerly it hath been.

A Decree in Star-Chamber concerning the Soap-boylers, in purſuance of a Cenſure of that Court upon May 10. 1633. 9 Car.

In Camera Stellata coram Concilio ibidem, Viceſimo tertio die Auguſti, Anno Nono Caroli Regis, &c.

WHereas Mr. *Noy*, his Majeſties Attorney General hath informed this Court, That the King's *moſt Excellent Majeſty*, by his *Highneſs* Letters Patents, under the Great Seal of *England*, bearing Date at *Weſtminſter* the Seventeenth day of *December*, in the Seventh year of his Majeſties Reign, for the Reaſons, Cauſes, and Conſiderations in the ſaid Letters Patents expreſſed, did give and grant to *Roger Jones*, ſince deceaſed, and to *Andrew Palmer*, Eſquires; and alſo to Sir *Willam Ruſſel* Baronet, Sir *Baſil Brooke*, Sir *Richard Weſton*, Sir *Edward Stradling*, Sir *Rich. Bettiſon*, Knights; *George Gage*, *Thomas Jones*, *Beverly Bretton*, *Thomas Ruſſel*, *Thomas Jennings*, *Thomas Hicks*, and *Albertus Belton*, Eſquires, and to *Robert Carver* Gent. *a Patent of Priviledge*, for the Term of *Fourteen years*, for the ſole making of Hard Soap, and Soft Soap, with ſuch Materials as by them have been *newly Invented*, and in ſuch manner as in the ſaid Letters Patents, and others Letters Patents therein recited appeareth. And for the burning and preparing of Pot-aſhes, and other Aſhes of Bean-ſtraw, Peaſe-ſtraw, Fern, Kelp, and other Vegetables to be found in his Majeſties own Dominions for the making of Soap, not formerly or ordinarily uſed or practiſed by others within the ſaid Realm, Dominions, and Town of *Barwick*, but by them newly invented, and deviſed, and alſo of the uſing of the Aſſay-Glaſs for Trying of their Lee. In, and by which Letters Patents there was careful proviſion made for the true making of the ſaid Soaps for the uſe of the Kings People, and for the ſearching and making thereof to diſtinguiſh the ſame from other Soaps. And for the ſelling of the ſame at, and for reaſonable Prices, as by the ſaid Letters Patents do at large appear. And his Majeſties ſaid Attorney further informed this Court, that becauſe his Majeſty in his great wiſdom foreſaw, that without government of that Trade it would ſoon fall to diſorder. Therefore for the better regulating and ordering of the ſaid Works, his Majeſty did *by other Letters Patents*, under the Great Seal of *England*, bearing Date at *Weſtminſter* the *Twentieth day of January*, in the Seventh year of his Majeſties Reign, incorporate divers perſons of principal worth and quality, who had been Adventurers in the ſaid Works, *by the name of Governours*, *Aſſiſtants*, and *Fellows* of the *Society of Soap-makers* within the *City of Weſtminſter*, in the County of *Middleſex*, to have *perpetual ſucceſſion*, and to them had given and granted divers Powers and Authorities for the preventing of Frauds and deceits, and other abuſes in that Trade and Manufacture. And afterwards by his Majeſties ſpecial Commandment ſignified by *his Writ* in that behalf the ſaid *Grant of Priviledge* for making of Soap and Pot-aſhes with the Powers and Authorities to the ſaid Patentees named in the ſaid Patent of the Seventeenth of *December*, granted as aforeſaid, were

were *by them aſſigned unto the ſaid Governour, Aſſiſtants*, and *Fellows*, and their *Succeſſors*, and in reſpect thereof the ſaid Governours, Aſſiſtants, and Fellows of the ſaid Society by *Indenture bearing date the Third day of* May, in the *Eighth year of his Majeſties Reign*, did covenant, promiſe, and agree to, and with our ſaid Soveraign Lord the King, his Heirs and Succeſſors, to do and perform divers things in that Indenture particularly mentioned for, and concerning the perfecting of the ſaid Works, and the furniſhing of this Kingdom with ſufficient quantities of ſweet and good Soap, and to ſell the ſame at, and for reaſonable Prices, not exceeding the price of Three Pence the pound, which was a cheaper rate than other ſweet and Merchantable Soap was uſually ſold for. And his Majeſties ſaid Attorny further informed this Court, That when his Majeſty had thus provided for the ſufficient Quantity, and reaſonable Prices of the ſaid Soaps out of his Princely care for the good of his People, foreſeeing that the goodneſs of the ſaid Soaps might ſoon decline and decay, unleſs by the continual care and pains of ſome truſty and diligent Officer a watchful eye were had to ſearch and try all the Soaps that ſhould be made and uttered, to ſee that the ſame were anſwerable in goodneſs to the firſt Pattern or Standard. His Majeſty, *by other Letters Patents*, bearing Date the *Eighth day of June*, in the Eighth year of his Majeſties Reign, did ordain, conſtitute, and appoint, *that for ever then after there ſhould be an Office.* And did thereby, for him, his Heirs, and Succeſſors, erect, create, and make an Office to be, and to be called the Office for keeping the Patterns, and making of the Aſſay of Soaps to be made by the ſaid Governour, Aſſiſtants, and Fellows who ſhall be called the Aſſay-Maſter for Soaps to be made by the ſaid Governours, Aſſiſtants, and Fellows. And thereby did appoint in what manner the ſaid Officer, having firſt taken a Corporal Oath to that purpoſe, ſhould execute the ſaid Office without any trouble or charge to his Majeſties Subjects which ſhould buy the ſaid Soaps. And his Majeſties ſaid Attorny further informed this Court, that his Majeſty in his Royal Care for the wealth and proſperity of his Loving Subjects, *intending to advance* the Native Commodities of this Realm, the ſetting of his own People at work, and the ſaving of the expence of the Treaſure of this Kingdom, which unthriftily and unneceſſarily was ſpent in buying and importing of Foreign Materials for the making of Soap from other Kingdoms, to the enriching of them, and the impoveriſhing of his Majeſties own Kingdoms to a great yearly Sum. And purpoſing to prevent or ſeverely *to puniſh all frauds* and deceits in the making of Soap with Foreign or unſweet materials, and the exceſſive Rates in the ſale of Soaps, as formerly it was practiſed by the Soap-boylers, being no body Politick, nor governed by any good Orders, or Conſtitutions regulating their Trade, but being a few ſingular Perſons who took this advantage to enrich themſelves, to the wrong and prejudice of his Majeſty, and his loving Subjects in general, who had no ordinary means to right themſelves therein: To the end that all his Loving Subjects might take notice of this his Princely care and providence for them herein: By his Highneſs *Proclamation*, given at the Court at *Greenwich* the *Eight and Twentieth day of June*, in the ſaid *Eighth year* of his Majeſties Reign, did ſtreightly charge and command as well the ſaid Governour, Aſſiſtants, and Fellows of the ſaid Society, who had formerly bound themſelves by Covenant with his Majeſty to a Regularity in that behalf, as all others not being of that Society, which ſhould then after make any Soaps, that they ſhould uſe no other Oyl in making that Soap, but

but Oyl Olive and Rape Oyl, as had been long ſithence decreed by the Mayor and Aldermen of *London*. That by that means the Soap might be good, ſweet, and ſerviceable, according to the Patterns delivered up to the Aſſay-Maſter. And did alſo thereby ſtrictly inhibit that no Perſon or Perſons ſhould import, or cauſe to be imported, or brought into this Realm, or Dominion of *Wales*, any unſweet or unſerviceable Soaps, and alſo that none preſume to put to ſale, or vent any Soaps, Potaſhes, Soapaſhes, Berrillia, or Soade, of what nature ſoever, before they ſhall be aſſayed and tried by the Searchers, to be aſſigned, and yearly to be choſen by the ſaid Governours, Aſſiſtants, and Fellows, and the Aſſay-Maſter for the time being, or ſome of them, and by them, or him found to be good, uſeful, and ſerviceable, and ſo marked by them, or their Deputies, with the Mark appointed for that purpoſe, being the *Flower-de-luce*; if any ſuch Officer ſhall refide in the Towns where ſuch putting to ſale thereof ſhall be; and, being required, will ſearch and try the ſame without Fee or Salary. *Notwithſtanding all which*, divers Soap-boylers, inhabiting in, and near about the City of *London*, and places adjacent, have with much contempt oppoſed themſelves againſt all the ſaid ſeveral Letters Patents and Proclamation, and have endeavoured, to the utmoſt of their powers, to fruſtrate his Majeſties ſaid gracious Intentions; and did, *contrary* to the ſaid Proclamation, and in contempt thereof, make great quantities of Soap of Fiſh Oyl, very noyſom and unfit for that purpoſe, and wilfully oppoſed the Searchers, and Aſſay-Maſter, and their Deputies, and refuſed to ſuffer them to ſearch, and took upon them, without any Authority given to them, to uſurp and to exerciſe the Liberties and Authorities of a Corporation in holding Aſſemblies and Conventicles for their own private ends. And to ſet Prices at what Rates they would ſell their Soaps, and to make diſtribution of what Quantities of Fiſh Oyl every one ſhould weekly or monthly ſpend. And to appoint what quantity of Soap ſhould be weekly or monthly made by every one of them.

For which offences and miſdemeanours his Majeſties ſaid Attorney on his Majeſties behalf, on the Two and Twentieth of *November*, in the *Eighth year* of his Majeſties Reign, exhibited an Information in this Court againſt divers of the ſaid Offenders, whereunto *they anſwered*. And the *Cauſe coming* in a Legal way *to be heard* upon the *Tenth day of May*, in this *Ninth year* of his Majeſties Reign, the ſaid Defendants were *juſtly Cenſured* by the Decree and Sentence of this Honourable Court. And thereby amongſt other things by the Sentence of this Court diſabled by themſelves, their Workmen, Servants, Agents, or any other, to uſe or exerciſe the ſaid Trade of Soap-boyling at any time then after which they had ſo notably abuſed. And his Majeſties ſaid *Attorney* now further Informed, that nevertheleſs, *ſince the exhibiting of the ſaid Information* into this Court, upon which the ſaid Sentence was grounded, divers *other perſons*, who formerly did not uſe or exerciſe the ſaid Trade of Soap-boyling for themſelves, have taken upon them to uſe and exerciſe the Trade of Boyling and making of Soap, as well *in the Houſes of divers of the ſaid Perſons ſo ſentenced* and *diſabled* as in other places, and with their Veſſels and Stocks, to the high Contempt of this Court, and the *deluding of the ſaid Decree and Sentence*, and to the great diſcouragement of thoſe who would honeſtly and regularly uſe the ſaid Trade, and to the encouragement of all ſuch ill-diſpoſed Perſons, as for their own private Lucre and unjuſt gain would oppoſe a Work ſo manifeſtly tending to the publick

publick good, and therefore his Majeſties ſaid *Attorney humbly prayed, that in a caſe of this extraordinary nature*, wherein the *Publick* had ſo much Intereſt, this Court would take theſe things into their Conſiderations and honourable Cares, and *for the future ſettle* and *eſtabliſh* ſuch order for the *government of this Trade*, which hath long continued irregular, and without any government at all, as may prevent thoſe abuſes, which otherwiſe, without the aid of this Court, cannot be prevented. And for that the Imployment and ſetting on work of ſo many of his Majeſties Subjects in the making of *Pot-aſhes* within this Kingdom, and that with the Materials here found, and the ſaving of the yearly expence of ſo great Sums of Money for that purpoſe formerly exhauſted out of this Kingdom, to the Diminution of the Stock and Treaſure thereof, are works of great weight and conſequence, and worthy the Conſideration of this Honourable Court, and of all aſſiſtance and encouragement for their eſtabliſhment as matters concerning the State. The Court taking the Premiſſes into their grave Conſiderations hath therefore thought fit, and ſo ordered:

I. That the ſaid Governour, Aſſiſtants, and Society ſhall uſe all diligence to perfect their undertaking with his Majeſty for eſtabliſhing the ſaid Work, wherein this Court will be ready from time to time to give them all juſt aſſiſtance.

II. That the ſaid Company ſhall on the laſt day of every *Michaelmas* and *Eaſter Term*, and oftner, if it ſhall be required, make true Certificate into this Court, under the hands of the Governour and Aſſay-Maſter, and two of the Aſſiſtants for the time being, at leaſt of the goodneſs of the Soap from time to time to be made by them, and whether the Standard be duly renewed, and the Soap made according to the goodneſs of that Standard.

III. That the Aſſay-Maſter for the ſaid Soap do diligently attend, and juſtly and faithfully ſearch, and Mark all the Soap to be made which ſhall deſerve to be ſo marked, and do refuſe to mark all ſuch Soap as ſhall be any way deficient in ſweetneſs or goodneſs, or not anſwerable to the Standard; and that no Soap-maker whatſoever preſume to put any Soap to ſale which ſhall not be ſo marked, and be made of the like goodneſs with the Standard. Nevertheleſs if it ſhall hereafter appear to this Court that for any inferiour uſe, or for other uſe than waſhing of Linnen, there ſhall be cauſe to make any other ſort of Soap of leſs goodneſs and ſweetneſs, and conſequently of a lower Price: This Court, upon due conſideration of the neceſſity thereof, will give ſuch further Directions therein as ſhall be fit, and ſo order the making and uttering thereof that it ſhall not be an Evaſion for the making and uttering of Soap contrary to the true meaning of his Majeſty, and of this Court, to the abuſe of the Kings Subjects.

IV. Becauſe it hath already clearly appeared both to his Majeſty and to this Court by the Certificate of Sir *Robert Ducy* Knight and Baronet, late Lord Mayor of the City of *London*, and here remaining of Record (to whom the Examination thereof was ſpecially referred) That the ſaid Governour, Aſſiſtants, and Society of the Soap-makers of *Weſtminſter* have brought the making of Soap with the Pot-aſhes, and other Materials of this Kingdom, and of his Majeſties own Dominions to that perfection that it exceedeth the beſt *London* Soap in the goodneſs thereof, and for that it doth alſo in the eaſineſs of the Price, the ſame being by them undertaken to be ſold at, and after the rate of Three Pounds and Four

Shillings

Shillings the Barrel, which is Three Pence the pound, and not above. And the ſame appeareth likewiſe to be true by the Oath of *Francis Coningsby* Eſquire, the preſent Aſſay-Maſter for Soap, appointed by his Majeſty, which Oath remaineth in this Court recorded. It is therefore thought fit, and ſo ordered and Decreed, that no ſoft Soap ſhall hereafter be uttered or ſold by any Soap-maker, his or their Factors, Workmen, or Servants, for above the ſaid rate or price of Three Pounds and Four Shillings the Barrel, which is Three Pence the Pound. And if any ſuch Perſon ſhall preſume to ſell any ſoft Soap at or for any greater rate or price, directly, or indirectly, than as aforeſaid, every ſuch Perſon ſo offending ſhall be puniſhed by the Cenſure of this Court as a Perſon who juſtly oppreſſeth the Kings Subjects by exceſſive prices of Commodities, this Court deeming and adjudging that Price, for the reaſons aforeſaid, to be a ſufficient Price for the beſt ſoft Soap. Nevertheleſs if at any time hereafter, by the increaſe of Prices of the Materials to be uſed in making of Soap, it ſhall be made to appear to this Court that there is juſt cauſe to inlarge the Prices of ſuch Soaps to be made by others, then the ſaid Governour, Aſſiſtants, and Fellows, then, and not otherwiſe, and for ſo long time only this Court will take ſuch order as ſhall be fit.

V. And foraſmuch as this Court is fully ſatisfied by the former carriage of ſuch perſons, who now ſtand under the Cenſure and ſentence of this Honourable Court, that they have uſed, and ſtill do uſe, all the indirect means they can to oppoſe the reformation of their own former abuſes, and the proſpering of this new Manufacture, which will be ſo profitable for the Publick: And do conceive that thoſe other Perſons, or moſt of them, who ſince the ſaid twenty ſecond day of *November* laſt, on which day the ſaid Information was exhibited in this Court, have ſet up a Trade of Soap-making as for themſelves, which before they uſed not, and exerciſe the ſame Trade in the Houſes, and with the Veſſels, and Utenſils, and Stock of the ſaid Delinquents, ſo Cenſured as aforeſaid, have ſet the ſame up by ſome ſecret Agreements and Compact, with, or on the behalf of the Delinquents, of purpoſe to delude the Sentence of this Court. And for that it is well known, that before the ſaid 22. of *November* a very few men exerciſed the Craft of making of ſoft Soap: And that but a few alſo were ſet on work by them, whereas in the making of Soap, and preparing the Materials for that Work, by the ways uſed by the ſaid Governour, Aſſiſtants, and Fellows, a very great number of his Majeſties People are imployed, and ſet on work in making of Soap, and preparing of Materials for it, whereof cometh an Increaſe of profit to the Commonwealth, and not a detriment. It is therefore further ordered and Decreed, that no Perſon or Perſons, who on the ſaid 22. day of *November* now laſt paſt, did not uſe the ſaid Trade of Soap-making, or Soap-boyling for themſelves, nor any other Perſon or Perſons, who by reaſon of his or their Profeſſion or Apprenticehood are capable of uſing that Trade, ſhall continue, or ſet up the ſaid Trade directly, or indirectly, until this Court, upon examination of the true ſtate of each particular Perſons Caſe, deſiring or intending to ſet up ſuch Trade, do receive ſatisfaction of the Juſtice of his pretence to uſe that Trade, and of the convenience and fitneſs of the place where he intendeth to uſe or exerciſe the ſame, and that he doth not colourably pretend to uſe that Trade for himſelf and his own uſe, where in ſubſtance he purpoſeth to uſe it for the benefit of ſome of the Delinquents, and this to continue until this Court ſhall give other order to the contrary.

VI. It is further ordered and Decreed, that becauſe by the offences of the ſaid Delinquents, and by their diſabilities to continue their ſaid Trades, ſome few Servants and Workmen, formerly imployed by them, or by ſome others in Soap-making, may be deſtitute of means for their Livelihood, this Court doth recommend them to the care of the ſaid Governour and Company to imploy them in their Works in ſome convenient manner; wherein if they ſhall fail (theſe Servants carrying themſelves faithfully and diligently towards them as is fit) this Court intendeth to ſettle ſuch a courſe for their relief as ſhall be fit, thoſe Servants and Workmen for any thing yet appearing to this Court not having offended, but as they were commanded by their Maſters.

VII. And to the Intent that a due ſearch may be had of all Soap hereafter to be made, and ſo the abuſive making thereof, contrary to the ſaid Proclamation, be prevented, it is ordered and decreed, that the Aſſay-Maſter and Searchers, or their Deputies, ſhall from time to time execute their Offices, with a Conſtable when they ſhall think fit to require it, by going into the Houſes, Work-houſes, or Cellars of all thoſe who ſhall be Makers of Soap, to make ſearch for all Soaps made, and for all Oyls, or other Materials provided for making of Soap, and to Aſſay as well the Soaps ſo made, as the Oyls, and other Materials provided for the making of Soap, and that no Perſon oppoſe, or hinder, or unneceſſarily delay ſuch ſearch to be made, and Aſſay to be taken.

VIII. And for that it is well known that within theſe few years laſt paſt no ſoft Soap was made within this Kingdom, but in, and about the Cities of *London*, *Weſtminſter*, and *Briſtol*, it is therefore ordered and decreed, for the more conveniency of making ſuch Searches and Aſſay, as aforeſaid, that the ſaid Governour and Company do erect and continue their Work-houſes for the making of ſoft Soap according to their undertaking, as aforeſaid, in, or within one Mile of the City of *London* or *Weſtminſter*: And that no other Soap-boyler, or Soap-maker do erect any other Work-houſes, or place for making or boyling of Soap but within the Cities of *London* and *Weſtminſter*, or City of *Briſtol*, or within a Mile of the ſaid Cities, or in ſuch other place or places as this Court ſhall upon other good Conſiderations and Reaſons think fit, and firſt approve of and allow. And that notice be given by thoſe that make or ſhall make Soap for Sale, to the ſaid Governour and Company, or Aſſay-Maſter, of all and every the ſaid places where their Work-houſes are, or ſhall be hereafter erected, before any Trade of Soap-making be there uſed, leſt by the erecting of ſuch Houſes in obſcure places, or farremote one from the other, the Aſſay-Maſter be diſabled to perform his Office in the due Searching, Aſſaying, and Marking of Soap, Oyl, and other Materials, as aforeſaid.

IX. And becauſe thoſe who formerly uſed the Trade of Soap-making, or Soap-boyling are no Body Corporate, nor have any Government or Orders by which they are, or can be regulated, but every ſingular Perſon doth that in his Trade which he knoweth moſt for his private gain and advantage, though never ſo much to the prejudice of others, or of the Publick: It is therefore ordered and decreed, that all Soap-boylers and Soap-makers, not being of the ſaid Company, ſhall from henceforth be under the Survey, Rule, and Government of the ſaid Company, and Officers thereof, as well as the proper Members of the ſaid Company, ſo far forth only as concerneth the Trade, and the true making of the ſaid Soap, and not otherwiſe, nor to any other purpoſe, without their own free conſent thereunto.

X. And

X. And it is alſo ordered and decreed, that the ſaid Governour, Aſſiſtants, and Fellows of the ſaid Society, ſhall from henceforth from time to time take care that there ſhall be and continue of the ſaid Society Thirty Perſons at the leaſt. And laſtly, it is ordered and decreed, That if any Perſon ſhall offend againſt any thing herein contained, ordered, and decreed, every ſuch Perſon ſhall incur and undergo ſuch impriſonment, and other puniſhment as this Court, upon conſideration had of the quality of every ſuch offence, ſhall judge to be fit and juſt to be inflicted.

A Speech delivered in the Star-Chamber, on Wednesday *the* 16. of June, 1637. *at the Cenſure of* John Baſtwick, Henry Burton, *and* William Prinn; *Concerning pretended Innovations in the Church. By the moſt Reverend Father in God,* William, *Lord Arch-Biſhop of* Canterbury, *his Grace.*

My LORDS,

I Shall not need to ſpeak of the infamous courſe of Libelling in any kind:

Nor of the puniſhment of it, which in ſome caſes was Capital by the Imperial Laws. As appears, *Cod. l.* 9. *T.* 36.

In Jul. c. 75. Nor how patiently ſome great men, very great men indeed, have born *Animo civili* (that's *Suetonius* his word) *laceratam exiſtimationem*, the tearing and rending of their Credit and Reputation, with a gentle, nay, a generous mind.

But of all Libels, they are moſt odious which pretend Religion: as if that of all things did deſire to be defended by a Mouth that is like an open Sepulcher, or by a Pen that is made of a ſick and a loathſom Quill.

There were times when Perſecutions were great in the Church, even to exceed Barbarity it ſelf: did any Martyr or Confeſſor, in thoſe times, Libel the Governors? Surely no; not one of them to my beſt remembrance: yet theſe complain of Perſecution without all ſhew of cauſe; and in the mean time Libel and Rail without all meaſure. So little of kin are they to thoſe which ſuffer for Chriſt, or the leaſt part of Chriſtian Religion.

My Lords, it is not every mans ſpirit to hold up againſt the venom which Libellers ſpit. For St. *Ambroſe*, who was a ſtout and a worthy Prelate, tells us, not that himſelf, but that a far greater man than he, that's King *David*, had found out (ſo it ſeems in his judgment 'twas no matter of ordinary ability) *Grande inventum*, a great and mighty invention, how to ſwallow and put off thoſe bitter Contumelies of the Tongue: and thoſe of the Pen are no whit leſs, and ſpread farther. And it was a great one indeed, and well beſeemed the greatneſs of *David*. But I think it will be far better for me to look upward, and practiſe it, than to look downward, and diſcourſe upon it.

In Apol. 1. David. c. 6.

In the mean time I ſhall remember what an Antient under the name of St. *Hierom* tells me, *Indignum eſt & præpoſterum*, 'Tis unworthy in it-ſelf, and prepoſterous in demeanor for a man to aſhamed for doing good, becauſe other men glory in ſpeaking ill.

Ad Ocean. de ferend. Opprob.

And I can ſay it clearly and truly, as in the preſence of God, I have done nothing, as a Prelate, to the uttermoſt of what I am conſcious, but with a ſingle heart, and with a ſincere intention for the good Government and Honor of the Church; and the maintenance of the Orthodox Truth

Truth and Religion of Chriſt Profeſſed, Eſtabliſhed, and Maintained in this Church of *England*.

For my care of this Church, the reducing of it into Order, the upholding of the External Worſhip of God in it, and the ſetling of it to the Rules of its firſt Reformation, are the cauſes (and the ſole cauſes, what ever are pretended) of all this malicious ſtorm, which hath loured ſo black upon me, and ſome of my Brethren. And in the mean time, they which are the only, or the chief Innovators of the Chriſtian world, having nothing to ſay, accuſe us of Innovation; they themſelves and their Complices in the mean time being the greateſt Innovators that the Chriſtian world hath almoſt ever known. I deny not but others have ſpread more dangerous Errors in the Church of Chriſt; but no men, in any age of it, have been more guilty of Innovation than they, while themſelves cry out againſt it: *Quis tulerit Gracchos?*

And I ſaid well, *Quis tulerit Gracchos?* For 'tis moſt apparent to any man that will not wink, that the intention of theſe men, and their Abettors, was and is to raiſe a Sedition, being as great Incendiaries in the State (where they get power) as they have ever been in the Church? *Novatian* himſelf hardly greater.

Our main Crime is (would they all ſpeak out, as ſome of them do) that we are Biſhops; were we not ſo, ſome of us might be as paſſable as other men. Burton Apo. p. 110.

And a great trouble 'tis to them, that we maintain that our calling of Biſhops is *Jure Divino*, by Divine Right: Of this I have ſaid enough, and in this place, in *Leightons* Caſe, nor will I repeat. Only this I will ſay, and abide by it, that the Calling of Biſhops is *Jure Divino*, by Divine Right, though not all Adjuncts to their Calling. And this I ſay in as direct oppoſition to the Church of *Rome*, as to the Puritan humor.

And I ſay farther, that from the Apoſtles times, in all ages, in all places the Church of Chriſt was governed by Biſhops: and Lay-Elders never heard of, till *Calvins* new-fangled device at *Geneva*.

Now this is made by theſe men, as if it were *Contra Regem*, againſt the King, in right or in power.

But that is a mere ignorant ſhift; for our being Biſhops, *Jure Divino*, by Divine Right, takes nothing from the Kings Right or Power over us. For though our Office be from God and Chriſt immediately, yet may we not exerciſe that power, either of Order or Juriſdiction, but as God hath appointed us, that is, not in his Majeſties, or any Chriſtian Kings Kingdoms, but by and under the power of the King given us ſo to do.

And were this a good Argument againſt us, as Biſhops, it muſt needs be good againſt Prieſts and Miniſters too; for themſelves grant that their Calling *is Jure Divino*, by Divine Right; and yet I hope they will not ſay, that to be Prieſts and Miniſters is againſt the King, or any His Royal Prerogatives.

Next, ſuppoſe our Callings, as Biſhops, could not be made good *Jure Divino*, by Divine Right; yet *Jure Eccleſiaſtico*, by Eccleſiaſtical Right it cannot be denyed. And here in *England* the Biſhops are confirmed, both in their power and means, by Act of Parliament. So that here we ſtand in as good caſe, as the preſent Laws of the Realm can make us. And ſo we muſt ſtand, till the Laws ſhall be repealed by the ſame power that made them.

Now

Now then, ſuppoſe we had no other ſtring to hold by (I ſay ſuppoſe this, but I grant it not) yet no man can Libel againſt our Calling (as theſe men do) be it in Pulpit, Print, or otherwiſe, but he Libels againſt the King and the State, by whoſe Laws we are Eſtabliſhed. Therefore, all theſe Libels, ſo far forth as they are againſt our Calling, are againſt the King and the Law, and can have no other purpoſe, than to ſtir up ſedition among the people.

If theſe men had any other intention, or if they had any Chriſtian or Charitable deſire, to Reform any thing amiſs; why did they not modeſtly Petition His Majeſty about it, that in his Princely wiſdom he might ſet all things right, in a Juſt and Orderly manner? But this was neither their intention, nor way. For one clamours out of his Pulpit, and all of them from the Preſs, and in a moſt virulent and Unchriſtian manner ſet themſelves to make a heat among the people; and ſo by Mutiny, to effect that, which by Law they cannot; And, by moſt falſe and unjuſt Calumnies to defame both our Callings and Perſons. But for my part, as I pitty their rage, ſo I heartily pray God to forgive their malice.

No Nation hath ever appeared more jealous of Religion, than the people of *England* have ever been. And their zeal to Gods glory hath been, and at this day is a great honour to them. But this Zeal of theirs hath not been at all times and in all perſons, alike guided by knowledg. Now Zeal, as it is of excellent uſe, where it ſees its way; ſo is it very dangerous Company, where it goes on in the dark: And theſe men, knowing the diſpoſition of the people have laboured nothing more, than to miſinform their knowledg, and miſguide their Zeal, and ſo to fire that into a Sedition, in hope that they, whom they cauſleſly hate, might miſcarry in it.

You may ſee it in the Example of St. *Paul* himſelf, whoſe very zeal in the darkneſs of his underſtanding, which he then had made him perſecute Chriſt and his Church, *Act.* xxii. 3, 4. And he was very dangerous Company then; for he breathed out threatnings againſt the Diſciples, *Act.* ix. 1. So true is that of Saint *Greg. Naz. Orat.* 21. *Zelus Iracundiam acuit*, All zeal puts an edge to anger it ſelf. And that muſt needs be dangerous in the dark. Page 5.

For the main ſcope of theſe Libels, is to kindle a Jealouſie in mens minds, that there are ſome great Plots in hand, dangerous Plots (ſo ſays Mr. *Burton* expreſly) to change the Orthodox Religion Eſtabliſhed in *England*; and to bring in, I know not what, Romiſh Superſtition in the room of it. As if the external decent worſhip of God could not be upheld in this Kingdom, without bringing in of Popery.

Now by this Art of theirs, give me leave to tell you, that the King is moſt deſperately abuſed and wounded in the minds of his people; and the Prelates ſhamefully.

The King moſt deſperately: for there is not a more cunning trick in the world, to withraw the peoples hearts from their Soveraign, than to perſuade them that he is changing true Religion, and about to bring in groſs Superſtition upon them.

And the Prelates ſhamefully; for they are charged to ſeduce, and lay the Plot, and be the Inſtruments.

For His Majeſty firſt. This I know, and upon this occaſion take it my duty to ſpeak: There is no Prince in Chriſtendom more ſincere in his Religion, nor more conſtant to it, than the King. And he gave ſuch a Teſtimony of this at his being in *Spain*, as I much doubt, whether the beſt of that Faction durſt have done half ſo much, as His Majeſty did, in the face of that Kingdom. And this you my Lord, the Earl of *Holland*, and other Perſons of Honour, were Eye and Ear-Witneſſes of, having the happineſs to attend Him there. And at this day, as His Majeſty (by Gods great bleſſing both on him and us) knows more, ſo is he more ſetled and more confirmed, both in the Truth

Truth of the Religion here Eſtabliſhed and in Reſolution to maintain it.

And for the Prelates; I aſſure my ſelf, they cannot be ſo baſe, as to live Prelates in the Church of *England*, and labour to bring in the Superſtitions of the Church of *Rome*, upon themſelves and it. And if any ſhould be ſo foul, I do not only leave him to Gods Judgment, but (if theſe Libellers, or any other, can diſcover that his baſe and irreligious falſhood) to ſhame alſo, and ſevere puniſhment from the State: and in any juſt way, no mans hand ſhall be more, or ſooner againſt him, than mine ſhall be.

And for my ſelf, to paſs by all the ſcandalous reproaches, which they have moſt injuriouſly caſt upon me, I ſhall ſay this only,

Firſt, I know of no Plot, nor purpoſe of altering the Religion Eſtabliſhed.

Secondly, I have ever been far from attempting any thing that may truly be ſaid to tend that way in the leaſt degree, and to theſe two I here offer my Oath.

Thirdly, if the King had a mind to change Religion, (which I know he hath not, and God forbid he ſhould ever have) he muſt ſeek for other Inſtruments. For as baſely as theſe men conceive of me, yet I thank God, I know my duty well both to God and the King: And I know that all the duty I owe to the King, is under God. And my great happineſs it is (though not mine alone, but your Lordſhips and all his ſubjects with me) that we live under a Gracious and a Religious King, that will ever give us leave to ſerve God firſt, and Him next. But were the days otherwiſe, I thank Chriſt for it, I yet knew not how to ſerve any man againſt the Truth of God, and I hope I ſhall never learn it.

But to return to the buſineſs: what is their Art to make the world believe a change of Religion is endeavoured? What? why, forſooth, they ſay, there are great Innovations brought in by the Prelates, and ſuch as tend to the advancing of Popery.

Now that the vanity and falſhood of this may appear, I ſhall humbly deſire your Lordſhips to give me leave to recite briefly all the Innovations charged upon us, be they of leſs or greater moment, and as briefly to anſwer them. And then you ſhall clearly ſee, whether any cauſe hath been given of theſe unſavoury Libels; and withal, whether there be any ſhew of cauſe to fear a change of Religion. And I will take theſe great pretended Innovations in order, as I meet with them.

Firſt, I begin with the *News from Ipſwich*.

Where the firſt Innovation is, *That the laſt years Faſt was enjoyned to be without Sermons in* London, *the Suburbs, and other infected places, contrary to the Orders for other Faſts in former times: whereas Sermons are the only means to humble men*, &c. Page 2.

To this I ſay Firſt, That an after-age may, without offence, learn to avoid any viſible inconvenience obſerved in the former. And there was viſible inconvenience obſerved in mens former flocking to Sermons in infected places.

Secondly, This was no particular Act of the Prelates; but the buſineſs was debated at the Council-Table, being a matter of State, as well as of Religion. And it was concluded for no Sermons in thoſe infected places, upon this Reaſon; That infected Perſons or Families, known in their

their own Pariſhes, might not take occaſion upon thoſe by-days to run to other Churches, where they were not known, as many uſe to do, to hear ſome humorous men Preach; For on the *Sundays*, when they better kept their own Churches: the danger is not ſo great altogether.

Nor Thirdly, is that true, that Sermons are the only mens to humble men. For though the Preaching of Gods word, where it is performed according to his Ordinance, be a great means of many good effects in the Souls of men; Yet no Sermons are the only means to humble men. And ſome of their Sermons are fitter a great deal for other operations: Namely, to ſtir up Sedition, as you may ſee by Mr. *Burtons*; for this his Printed Libel was a Sermon firſt, and a Libel too. And 'tis the beſt part of a Faſt to abſtain from ſuch Sermons.

Page 3. 2. The ſecond Innovation is, *That* Wedneſday *was appointed for the Faſt-day, and that this was done with this intention, by the example of this Faſt without Preaching, to ſuppreſs all the* Wedneſday-*Lectures in* London.

To this I anſwer Firſt, that the appointing of *Wedneſday* for the Faſt-day was no Innovation. For it was the day in the laſt Faſt before this: and I my ſelf remember it ſo, above forty years ſince, more than once.

Secondly, if there had been any *Innovation* in it, the Prelates named not the day; my Lord Keeper, I muſt appeal to your Lordſhip: The day was firſt named by your Lordſhip, as the uſual, and fitteſt day. And yet I dare ſay, and ſwear too, that your Lordſhip had no aim to bring in Popery; nor to ſuppreſs all, or any the Wedneſday-Lectures in *London*. Beſides, theſe men live to ſee the Faſt ended, and no one *Wedneſday* Lecture ſuppreſſed.

Page 3. 3. The third Innovation is, *That the Prayer for ſeaſonable weather was purged out of this laſt Faſt-Book, which was* (ſay they) *one cauſe of Ship-wracks and Tempeſtuous weather.*

To this I ſay, Firſt in the General; This Faſt-Book, and all that have formerly been made, have been both made, and publiſhed by the command of the King, in whoſe ſole power it is to call a Faſt. And the Arch-Biſhop and Biſhops to whom the ordering of the Book is committed, have power under the King, to put in, or leave out, whatſoever they think fit for the preſent occaſion; As their Predeceſſors have ever done before them. Provided that nothing be in contrary to the Doctrine or Diſcipline of the Church of *England*.

And this may ſerve in the General for all Alterations, in that or any other Faſt-Book or Books of Devotion upon any particular occaſions, which may and ought to vary with ſeveral times, and we may, and do, and will juſtifie, under His Majeſties power all ſuch Alterations made therein.

Secondly, for the particular. When this laſt Book was ſet out, the weather was very ſeaſonable. And it is not the Cuſtom of the Church, nor fit in it ſelf to pray for ſeaſonable weather when we have it, but when we want it. When the former Book was ſet out, the weather was extream ill, and the Harveſt in danger; Now the Harveſt was in, and the weather good.

Thirdly, 'tis moſt inconſequent to ſay, that the leaving that Prayer out of the Book of Devotions, cauſed the Ship-wracks and the Tempeſts,

Tempeſts, which followed. And as bold they are with God Almighty, in ſaying it was the cauſe: For ſure I am, God never told them, that was the cauſe. And if God never revealed it, they cannot come to know it; yet had the Biſhops been Prophets, and foreſeen theſe Accidents, they would certainly have prayed againſt them.

Fourthly, Had any Miniſter found it neceſſary to uſe this Prayer at any one time during the Faſt, he might with eaſe, and without danger, have ſupplied that want, by uſing that Prayer to the ſame purpoſe which is in the ordinary Liturgy.

Fifthly, I humbly deſire your Lordſhips to weigh well the Conſequence of this great, and dangerous Innovation. The Prayer for fair weather was left out of the Book for the Faſt; Therefore the Prelates intend to bring in Popery. An excellent Conſequence, were there any ſhew of Reaſon in it.

4. The Fourth Innovation is, *That there is one very uſeful Collect left out, and a Clauſe omitted in another.* Page 3.

To this I anſwer Firſt, as before; It was lawful for us to alter what we thought fit.

And Secondly, Since that Collect made mention of Preaching, and the Act of State forbad Sermons on the Faſt-days in infected places; we thought it fit, in purſuance of that Order, to leave out that Collect.

And Thirdly, for the branch in the other, which is the firſt Collect, though God did deliver our Forefathers out of Romiſh Superſtition, yet (God be bleſſed for it) we were never in. And therefore that Clauſe being unfittingly expreſſed, we thought fit to paſs it over.

5. The Fifth Innovation is, *That in the ſixth Order for the Faſt, there is a paſſage left out concerning the abuſe of Faſting in relation to merit.* Page 3.

To this I anſwer, That he to whom the ordering of that Book to the Preſs was committed, did therefore leave it out; Becauſe in this Age and Kingdom there is little opinion of meriting by Faſting.

Nay, on the contrary, the contempt and ſcorn of all faſting (ſave what humorous men call for of themſelves) is ſo rank, that it would grieve any Chriſtian man to ſee the neceſſary Orders of the Church concerning Faſting, both in Lent, and at other ſet times, ſo vilified as they are.

6. The Sixth Innovation is, *That the Lady* Elizabeth *and her Princely Children are daſhed* (that is their Phraſe) *out of the new Collect, whereas they were in the Collect of the former Book.* Page 3.

For this Firſt, The Author of the News knows full well that they are left out of the Collect in the latter Editions of the *Common-Prayer-Book*, as well as in the Book for the Faſt. And this was done according to the Courſe of the Church, which ordinarily names none in the Prayer, but the Right Line deſcending. Yet this was not done till the King himſelf commanded it; as I have to ſhew under his Majeſties hand.

Secondly, I beſeech your Lordſhips to conſider, what muſt be the Conſequence here: The Queen of *Bohemia* and her Children are left out of the Collect, therefore the Prelates intend to bring in Popery; For that (you know) they ſay is the end of all theſe Innovations. Now, if this be the end and the Conſequence; Truly the Libellers have done very dutifully to the King, to poyſon his People with this conceit; That the Lady *Elizabeth* and her Children would keep Popery out of this

Kingdom, but the King and his Children will not. And many as good Offices as theſe have they done the King quite through theſe Libels, and quite through his Kingdoms. For my part, I honour the Queen of *Bohemia*, and her Line, as much as any man whatſoever, and ſhall be as ready to ſerve them, but I know not how to depart from my Allegeance, as I doubt theſe men have done.

Page 3. 7. The Seventh Innovation is, *That theſe words (Who art the Father of thine Elect and of their Seed) are changed in the Preface of that Collect, which is for the Prince and the Kings Children.* And, with a moſt ſpiteful inference, *That this was done by the Prelates to exclude the Kings Children out of the number of Gods Elect.* And they call it *an intolerable impiety and horrid treaſon.*

To this I anſwer, Firſt, That this Alteration was made in my Predeceſſors time, before I had any Authority to meddle with theſe things, further than I was called upon by him.

Secondly, This is not therefore to lay any aſperſion upon my Predeceſſor; for he did in that but his duty: For his Majeſty acknowledges, it was done by his ſpecial direction, as having then no Children to pray for.

And thirdly, this Collect could not be very old, for it had no being in the *Common-Prayer-Book*, all Queen *Elizabeths* time, ſhe having no Iſſue.

The truth is, it was made at the coming in of King *James*; and muſt of neceſſity be changed over and over again *pro ratione Temporum*, as Times and Perſons vary: And this is the intolerable Impiety, and horrid Treaſon they charge upon Us.

In this Method the Innovations are ſet down in the *News from Ipſwich*. But then in Mr, *Burtons news from Friday-ſtreet*, (called his *Apologie*) they are in another Order, and more are added. Therefore with your Lordſhips leave I will not repeat any of theſe, but go on to the reſt, which Mr. *Burton* adds.

Burtons Apology, p. 2. 8. The Eighth Innovation is, *That in the Epiſtle the Sunday before Eaſter, we have put out In, and made it, At the Name of* Jeſus *every Knee ſhall bow; which alteration*, he ſaith, *is directly againſt the Act of Parliament.*

Here give me leave to tell you it is *At the Name of Jeſus*, in the late learned Tranſlation made in King *James* his time. About which many learned Men of beſt note in the Kingdom were imployed, beſides ſome Prelates.

But to this I anſwer, Firſt, It is true, the *Common-Prayer-Book* was confirmed by Act of Parliament, and ſo all things contained in it, at the paſſing of that Act. But I hope if any thing were falſe Printed then, the Parliament did not intend to paſs thoſe ſlips for current.

Secondly, I am not of opinion, that if one word be put in for another, ſo they bear both the ſame ſenſe, that there is any great matter done againſt the Act of Parliament.

Thirdly, This can make no Innovation. For In the Name, and at the Name of Jeſus, can make no Eſſential difference here. And Mr. *Pryn* (whoſe Darling buſineſs it hath long been to cry down the honour due to the Son of God, at the mentioning of his ſaving Name Jeſus) knows the Grammar Rule well, *In a place, or at a place*, &c.

Fourthly,

Fourthly, If there were any error in the change of In into At; I do here ſolemnly proteſt to you, I know not how it came: For authority from the Prelates, the Printers had none; and ſuch a word is eaſily changed in ſuch a negligent Preſs as we have in *England*. Or if any altered it purpoſely, for ought I know, they did it to gratifie the Preciſer ſort. For therein they followed the *Geneva* Tranſlation, and Printed at *Geneva*, 1557. where the words are, *At the Name of Jeſus*. And that is Ninety four years ago; and therefore no Innovation made by us. In Octavo.

Fifthly, this I find in the Queens Injunctions, without either word, *In* or *At*. *Whenſoever the Name of Jeſus ſhall be in any Leſſon, Sermon, or otherwiſe pronounced in the Church* (it is enjoyned) *that due reverence be made of all perſons, Young and Old, with lowlineſs of Courſie, and uncovering of the heads of the men-kind, as thereunto doth neceſſarily belong, and heretofore hath been accuſtomed.* So here is neceſſity laid upon it, and cuſtom for it, and both expreſſed by Authority in the very beginning of the Reformation; and is therefore no Innovation now. Injunction 52.

9. The Ninth Innovation is, *That two places are changed in the Prayers ſet forth for the Fifth of* November: *And ordered to be read* (they ſay) *by Act of Parliament. The firſt place is changed thus, From, Root out that Babyloniſh and Antichriſtian Sect, which ſay of Jeruſalem*, &c. *Into this form of words, Root out that Babyloniſh and Antichriſtian Sect* (*of them*) *which ſay*, &c. The ſecond place went thus in the old: *Cut off theſe workers of Iniquity, whoſe Religion is Rebellion. But in the Book Printed* 1635. *it is this altered: Cut off thoſe workers of Iniquity, who turn Religion into Rebellion*, &c. Pag. 3.

To this I ſay Firſt, It is a notorious untruth, that this Book was ordered to be read by Act of Parliament. The Act of Parliament indeed is Printed before it; and therein is a Command for Prayers and Thankſgivings every Fifth of *November*: But not one word or ſyllable for the Form of Prayer: That is left to the Church, therefore here is no Innovation againſt that Act of Parliament.

Secondly, The Alteration firſt mentioned, that is, *That Sect*, or *That Sect of them*: is of ſo ſmall *conſequence*, as it is not worth the ſpeaking of. Beſides, if there be any thing of moment in it, it is anſwered in the next.

Thirdly, Both for that and the ſecond place, which ſeems of more moment; and ſo for the reſt, not only in that Book, but that other alſo for his Majeſties Coronation; His Majeſty expreſly commanded me to make the Alterations, and ſee them Printed. And here are both the Books with his Majeſties Warrant to each of them. So that herein I conceive I did not offend, unleſs it were that I gave not theſe men notice of it, or asked them leave to obey the King.

Againſt this there can be but two Objections, ſhould Malice it ſelf go to work. *The one is, that I moved his Majeſty to command the Change. And the other, that now, when I ſaw my ſelf challenged for it, I procured his Majeſties hand for my ſecurity.*

To theſe I anſwer clearly; Firſt, that I did not move the King, directly, or indirectly, to make this change.

And Secondly, that I had his Majeſties hand to the Book, not now, but then, and before ever I cauſed them to be Printed, as now they are. And that both theſe are true, I here again freely offer my ſelf to my Oath.

And yet Fourthly, that you may ſee his gracious Majeſty uſed not his power only in commanding this change, but his wiſdom alſo; I ſhall adventure to give you my Reaſons, ſuch as they are, why this Alteration was moſt fit, if not neceſſary.

My firſt Reaſon is, In the *Litany* in *Hen.* VIII. his time[a]: And alſo under *Edward* VI.[b] there was this Clauſe: *From the Tyranny of the Biſhop of* Rome, *and all his deteſtable enormities, from all falſe doctrine*, &c. *Good Lord deliver us.* But in the *Litany* in Queen *Elizabeths* time this Clauſe about the Pope was left out, and it ſeems of purpoſe, for avoiding of Scandal: And yet the Prelates for that not accounted Innovators, or Introducers of Popery, Now it is a far greater ſcandal to call their Religion Rebellion, then it is to call their chief Biſhop Tyrant.

And this Reaſon is drawn from Scandal, which muſt ever be avoided as much as it may.

My ſecond Reaſon is, that the Learned make but three Religions to have been of old in the world, *Paganiſm*, *Judaiſm*, and *Chriſtianity*. And now they have added a fourth, which is *Turciſm*, and is an abſurd mixture of the other three. Now if this ground of theirs be true (as it is generally received) perhaps it will be of dangerous conſequence ſadly to avow, that the Popiſh Religion is Rebellion. That ſome opinions of theirs teach Rebellion, that is apparently true, the other would be thought on, to ſay no more. And this Reaſon well weighed, is taken from the very foundations of Religion it ſelf.

My third Reaſon is, Becauſe if you make their Religion to be Rebellion, then you make their Religion and Rebellion to be all one. And that is againſt the ground both of State, and the Law. For when divers Romiſh Prieſts and Jeſuits have deſervedly ſuffered death for Treaſon, is it not the conſtant and juſt profeſſion of the State, that they never put any man to death for Religion, but for Rebellion and Treaſon only? Doth not the State truly affirm, that there was never any Law made againſt the life of a Papiſt, *quatenus* a Papiſt only? And is not all this ſtark falſe, if their very Religion be Rebellion? For if their Religion be Rebellion, it is not only falſe, but impoſſible, that the ſame man in the ſame Act ſhould ſuffer for his Rebellion, and not for his Religion.

And this King *James* of ever bleſſed memory underſtood paſſing well, when (in his premonition to all Chriſtian Monarchs) he ſaith, *I do conſtantly maintain that no Papiſt either in my time, or in the time of the late Queen, ever died for his Conſcience.* Therefore he did not think, their very Religion was Rebellion. Though this Clauſe paſſed through Inadvertency in his time. And this Reaſon is grounded both upon the Practice, and the Juſtice of the Law.

Page 336.

Which of theſe Reaſons, or whether any other better, were in his Majeſties thoughts, when he commanded the alteration of this Clauſe, I know not. But I took it my duty to lay it before you, that the King had not only Power, but Reaſon to command it.

Page 3.

10. The Tenth Innovation is, *That the Prayer for the Navy is left out of the late book for the Faſt.*

To this I ſay, there is great Reaſon it ſhould. For the King had no declared Enemy then, nor (God be thanked) hath he now. Nor had he then any Navy at Sea. For almoſt all the Ships were come in, before the Faſt-book was ſet out.

But

[a] It was put into the Litany of *H.* VIII. his time, as appears in his Primer, with his Injunction before it.

[b] And it is in both the Service Books of *Edward* VI. both that which was Printed. 1549. And in that which was after. *An.* 1552.

But howſoever, an excellent Conſequence it is, if you mark it; The Prayer for the Navy was left out of the Book for the Faſt, therefore by that, and ſuch like Innovations the Prelates intend to bring in Popery. Indeed, if that were a piece of the Prelates Plots to bring in Popery from beyond Sea, then they were mightily overſeen that they left out the Prayer for the Navy. But elſe what Reaſon or Conſequence is in it, I know not, unleſs perhaps Mr. *Burton* intended to befriend Dr. *Baſtwick*, and in the Navy bring hither the *Whore of Babylon* to be ready for his Chriſtening, as he moſt prophanely ſcoffs.

Well: I pray God the time come not upon this Kingdom, in which it will be found, that no one thing hath advanced or uſhered in Popery ſo faſt, as the groſs Abſurdities even in the Worſhip of God, which theſe Men, and their like, maintain both in Opinion and Practice.

11. The Eleventh Innovation is, *The reading of the Second Service at the Communion-Table, or the Altar.* Page 105.

To this firſt I can truly ſay, that ſince my own memory, this was in uſe in very many places, as being moſt proper (for thoſe Prayers are then read which both precede and follow the Communion,) and by little and little this Ancient Cuſtom was altered, and in thoſe places firſt, where the Emiſſaries of this Faction came to preach. And now if any in Authority offer to reduce it; this ancient courſe of the Church is by and by called an Innovation.

Secondly, with this the Rubricks of the *Common-Prayer-Book* agree: For the firſt Rubrick after the Communion tells us, that upon Holy-days, though there be no Communion, yet all elſe that is appointed at the Communion ſhall be read. *Shall be read?* That is true, but where? Why, the laſt Rubrick before the Communion tells us, that the Prieſt, ſtanding at the North ſide of the Holy Table, ſhall ſay the Lords Prayer, with that which follows. So that not only the Communion, but the Prayers which accompany the Communion (which are commonly called the Second Service) are to be read at the Communion-Table. Therefore if this be an Innovation, it is made by the Rubrick, not the Prelates; And Mr. *Burtons* Scoff, that this *Second Service muſt be ſerved in for dainties* *, ſavours too much of Belly and prophanation.

* Pag. 105. [Then the Second Service as dainties, muſt be ſaid there.]

12. One thing ſticks much in their ſtomachs, and they call it an Innovation † too. And that is, *bowing, or doing Reverence at our firſt coming into the Church, or at our nearer approaches to the Holy Table, or the Altar,* (call it whether you will) In which they will needs have it, *that we worſhip the Holy Table, or God knows what.* † Pag. 105.

To this I anſwer: Firſt, That God forbid we ſhould worſhip any thing but God himſelf.

Secondly, That if to worſhip God when we enter into his houſe, or approach his Altar, be an Innovation, it is a very old one.

For *Moſes* did reverence at the very door of the Tabernacle, *Num.* 20. 6. *Hezekiah*, and all that were preſent with him, when they had made an *end of offering, bowed* and *worſhipped*, (2 *Chron.* 29. 29.) *David* calls the people to it with a *Venite, O come let us worſhip, and fall down, and kneel before the Lord our Maker*, (*Pſal.* 95. 6.) And in all theſe places (I pray mark it) it is bodily Worſhip.

Nor can they ſay, that this was Judaical worſhip, and now not to be imitated. For long before *Judaiſm* began, *Bethel*, the Houſe of God, was a place of Reverence, *Gen.* 28. 17, *&c.* Therefore certainly, Of, and To God. And

And after Judaical Worſhip ended, *Venite*, *Adoremus*, as far upwards as there is any track of a Liturgy, was the *Introitus* of the Prieſt all the Latine Church over.

And in the daily Prayers of the Church of *England*; this was retained at the Reformation; and that Pſalm, in which is *Venite*, *Adoremus*; is commanded to begin the Morning Service every Day. And for ought I know, the Prieſt may as well leave out the *Venite*, as the *Adoremus*; the calling the people to their duty, as the duty it ſelf, when they are come.

Therefore even according to the Service-Book of the Church of *England*, the Prieſt and the People both are called upon, for external and bodily Reverence and Worſhip of God in his Church. Therefore they which do it, do not Innovate. And yet the Government is ſo moderate (God grant it be not too looſe therewhile) that no man is conſtrained, no man queſtioned, only *religiouſly* called upon, *Venite*, *Adoremus*, *Come*, *let us worſhip*.

For my own part I take my ſelf bound to worſhip with Body, as well as in Soul, when ever I come where God is worſhipped. And were this Kingdom ſuch as would allow no Holy Table, ſtanding in its proper place (and ſuch places ſome there are) yet I would worſhip God when I came into his Houſe. And were the times ſuch, as ſhould beat down Churches, and all the curious carved work thereof with Axes, and Hammers, as in *Pſalm* 74. 6. (and ſuch times have been) yet would I worſhip in what place ſoever I came to pray, though there were not ſo much as a ſtone laid for *Bethel*. But this is the miſery; it is Superſtition now adays for any man to come with more Reverence into a Church, than a Tinker and his Bitch come into an Ale-houſe; the Compariſon is too homely, but my Juſt Indignation at the Prophaneneſs of the times, makes me ſpeak it.

And you my Honourable Lords of the Garter, in your great Solemnities, you do your Reverence, and to Almighty God, I doubt not, but yet it is *verſus Altare*, towards his Altar, as the greateſt place of Gods Reſidence upon Earth. (I ſay the greateſt, yea, greater than the Pulpit. For there it is, *Hoc eſt Corpus meum*, This is my Body. But in the Pulpit, it is, at moſt, but, *Hoc eſt Verbum meum*, This is my Word. And a greater Reverence (no doubt) is due to the Body, than to the Word of our Lord. And ſo, in Relation, anſwerably to the Throne, where his Body is uſually preſent; than to the Seat, whence his Word uſeth to be Proclaimed. And God hold it there, at his Word; for, as too many men uſe the matter, It is *Hoc eſt verbum Diaboli*, This is the word of the Devil, in too many places, Witneſs Sedition, and the like to it.) And this Reverence ye do when ye enter the Chappel, and when you approach nearer to offer. And this is no Innovation, for you are bound to it by your Order, and that is not New.

And Idolatry it is not, to worſhip God towards his Holy Table; For if it had been Idolatry, I preſume Queen *Elizabeth*, and King *James* would not have practiſed it, no not in thoſe Solemnities. And being not Idolatry, but true Divine Worſhip, You will, I hope, give a poor Prieſt leave to Worſhip God, as your ſelves do: For if it be Gods Worſhip, I ought to do it as well as you: And if be Idolatry, you ought not to do it more than I.

I ſay again, I hope a poor Prieſt may Worſhip God with as lowly Reverence as you do, ſince you are bound by your Order, and by your Oath,

Oath, according to a Conſtitution of *Henry* the Fifth, (as appears*) to give due honour and Reverence, *Domino Deo, & Altari ejus, in modum virorum Eccleſiaſticorum*; That is, to the Lord your God, and to his Altar (for there is a Reverence due to that too, though ſuch as comes far ſhort of Divine Worſhip) and this in the manner, as Eccleſiaſtical Perſons both Worſhip and do Reverence.

* *In I Libro. Nigro de Indeſorienſi. p.65.*

The Story which led in this Decree is this, King *Henry* the Fifth, that Noble and victorious Prince, returning gloriouſly out of *France*, ſate at this Solemnity; and finding the Knights of the Order ſcarce bow to God, or but ſlightly, and then bow towards him and his Seat, ſtartled at it (being a Prince then grown as Religious, as he was before victorious) and after asking the Reaſon; for till then the Knights of the Order never bowed toward the King or his Seat; the Duke of *Bedford* anſwered, it was ſetled by a Chapter Act three years before. Hereupon that Great King replied, *No, Ile none of this, till you the Knights do it* Satis benè *well enough, and with due performance to Almighty God.* And hereupon the forenamed Act proceeded, that they ſhould do this duty to Almighty God, not ſlightly, but *Ad modum virorum Eccleſiaſticorum*, as low, as well, as decently, as Clergy-men uſe to do it.

Now if you will turn this off, and ſay, it was the Superſtition of that Age ſo to do; Biſhop *Jewel* will come in to help me there. For where *Harding* names divers Ceremonies, and particularly bowing themſelves, and adoring at the Sacrament, I ſay, adoring at the Sacrament, not adoring the Sacrament; there Biſhop *Jewel* (that learned, painful, and reverend Prelate) approves all both the kneeling and the bowing, and the ſtanding up at the Goſpel (which as ancient as it is in the Church, and a common Cuſtom, is yet fondly made another of their Innovations: [r]) And further the Biſhop adds, *That they are all commendable geſtures, and tokens of devotion, ſo long as the people underſtand what they mean, and apply them unto God.* Now with us the people did ever underſtand them fully, and apply them to God, and to none but God, till theſe factious Spirits, and their like, to the great diſ-ſervice of God and his Church, went about to perſwade them, that they are Superſtitious, if not Idolatrous geſtures: As they make every thing elſe to be, where God is not ſerved ſlovenly.

[r] B. *Jewels* reply to *Hardings* anſwer. Art. 3. Div. 29.

13. The Thirteenth Innovation is, *The placing of the holy Table Altar-wiſe, at the upper end of the Chancel*, that is, *the ſetting of it North and South, and placing a Rail before it*, to keep it from prophanation, which Mr. *Burton* ſays, *is done to advance and uſher in Popery.*

Pag. 4, 5. 105.

To this I anſwer, That it is no Popery to ſet a Rail to keep prophanation from that Holy Table: Nor is it any Innovation to place it at the upper end of the Chancel as the Altar ſtood. And this appears both by the Practice, and by the Command and Canon of the Church of *England.*

Firſt, By the Practice of the Church of *England.* For in the Kings Royal Chappels, and divers Cathedrals, the Holy Table hath ever ſince the Reformation ſtood at the upper end of the Quire, with the large or full ſide towards the People.

And though it ſtood in moſt Pariſh Churches the other way, yet whether there be not more reaſon, the Pariſh Churches ſhould be made conformable to the Cathedral and Mother Churches, than the Cathedrals to them, I leave to any reaſonable man to judge.

And

And yet here is nothing done either by violence or command to take off the Indifferency of the ſtanding of the Holy Table either way, but only by laying it fairly before men, how fit it is there ſhould be Order and Uniformity; I ſay ſtill reſerving the Indifferency of the ſtanding.

But howſoever I would fain know, how any diſcreet moderate man dares ſay, that the placing of the Holy Table Altar-wiſe (ſince they will needs call it ſo) is done either to advance or Uſher in Popery? For did Queen *Elizabeth* baniſh Popery, and yet did ſhe all along her Reign from firſt to laſt leave the Communion Table ſo ſtanding in her own Cappel Royal, in St. *Pauls*, and *Weſtminſter*, and other places; and all this of purpoſe to advance or uſher in that Popery which ſhe had driven out?

And ſince her death have two Gracious Kings kept out Popery all their times, and yet left the Holy Table ſtanding, as it did in the Queens time, and all of purpoſe to advance or uſher in Popery which they kept out?

Or what is the matter? May the Holy Table ſtand this way in the Kings Chappel, or Cathedrals, or Biſhops Chappels, and not elſewhere? Surely, if it be decent, and fit for Gods Service, it may ſtand ſo (if Authority pleaſe) in any Church. But if it advance or uſher in any Superſtition and Popery, it ought to ſtand ſo in none.

Nor hath any Kings Chappel any Prerogative (if that may be called one) above any ordinary Church to diſ-ſerve God in by any Superſtitious Rites. Where, give me leave to tell you, that the King and his Chappel are moſt jeeringly, and with ſcorn abuſed, in the laſt leaf of Mr. *Burtons Mutinous Appeal*, for ſuch it is.

Secondly, this appears by the Canon or Rule of the Church of *England* too, for it is plain in the laſt Injunction of the Queen; That the Holy Table ought to ſtand at the upper end of the Quire, North and South, or Altar-wiſe. For the words of the Queens Injunctions are theſe:

The Holy Table in every Church (mark it I pray, not in the Royal Chappel, or Cathedrals only, but in every Church) *ſhall be decently made, and ſet in the place where the Altar ſtood.* Now the Altar ſtood at the upper end of the Quire North and South, as appears before by the Practice of the Church. And there to ſet it otherwiſe, is to ſet it croſs the place, not In the place where the Altar ſtood: And ſo *Stulti dum vitant vitia* —— weak men, as theſe Libellers are, run into one Superſtition, while they would avoid another; For they run upon the Superſtition of the Croſs, while they ſeek to avoid the Superſtition of the Altar. So you ſee here is neither Popery nor Innovation in all the practice of Queen *Elizabeth*, or ſince.

Theſe words of the Injunction are ſo plain, as that they can admit of no ſhift.

And give me leave to tell you, that a very learned Prelate of this Church, and one, whom I think theſe men will not accuſe, as a man like to advance or Uſher in Popery, is of the ſame opinion: It is my Lord the Biſhop of *Salisbury*.

Some difference was lately riſing about placing the Communion-Table in a Pariſh Church of his Dioceſs. The Biſhop careful to prevent all diſ-
May 17. 1637. order, ſends his Injunction under his hand and Seal to the Curate and Church-Wardens, to ſettle that buſineſs: In which he hath theſe two paſſages remarkable. I have ſeen and read the Order.

The

The firſt paſſage is this; *By the Injunction of Queen* Elizabeth (ſaith he) *and by Can.* 82. *under King* James, *the Communion Tables ſhould ordinarily be ſet and ſtand with the ſide to the Eaſt wall of the Chancel.* Therefore this is no Innovation, ſince there is Injunction and Canon for it.

The other paſſage is this; *It is Ignorance* (ſaith that learned Biſhop) *to think that the ſtanding of the Holy Table there, reliſheth of Popery.* Therefore, if it do not ſo much as reliſh of Popery, it can neither advance it, nor uſher it in. And therefore this is a moſt odious ſlander, and ſcandal caſt upon us.

So here is enough both for the Practice and Rule of the Church of *England* ſince the Reformation. Now before that time, both in this and other Churches of Chriſtendom, in the Eaſt and Weſt ordinarily the Holy Table or Altar ſtood ſo; Againſt this Mr. *Burton* ſays little.

But the *Lincoln-ſhire* Miniſter comes in to play the Puritan for that. Concerning which Book (falling thus in my way) and the Nameleſs Author of it, I ſhall only ſay theſe two things:

The one is, that the Author prevaricates from the firſt word to the laſt in the Book, for he takes on him both for the Name and for the placing of the Holy Table, and the like, to prove, that Generally and Univerſally, and ordinarily in the whole Catholick Church, both Eaſt and Weſt, the Holy Table did not ſtand at the upper end of the Quire or Chancel. And this he muſt prove, or he doth nothing.

Now when he comes to make his Proofs, they are almoſt all of them particular, few or none general and concludent; For he neither brings Teſtimonies out of the General and received Rituals of the Eaſtern and Weſtern Churches, nor of Fathers and Hiſtories of the Church, which ſpeak in General terms of all, but where they ſpeak of particular Churches only.

So that ſuppoſe the moſt that can be, that is, ſuppoſe his quotations be all truly alleaged, and true too in the ſenſe that the Miniſter takes them (though in very truth, the places, moſt of them, are neither truly alleaged, nor ſenſed,) yet they are but exceptions of, and exemptions from the General practice. And you know both in Law and Reaſon, *Exceptio firmat Regulam in non exceptis.* So that upon the ſudden I am not able to reſolve, whether this Miniſter hath done more wrong to himſelf or his Readers, for he hath abuſed both.

The other is, that in the judgment of very many learned men, which have peruſed this Book, the Author is clearly conceived to want a great deal of that Learning to which he pretends: Or elſe to have written this Book wholly, and Reſolvedly againſt both his Science, and his Conſcience.

And for my own part, I am fully of opinion, this Book was thruſt now to the Preſs, both to countenance theſe Libellers, and as much as in him lay, to fire both Church and State.

And though I wonder not at the Miniſter, yet I ſhould wonder at the Biſhop of the Dioceſs (a man of learning and experience) that he ſhould give Teſtimony to ſuch a buſineſs, and in ſuch times as theſe.

And once more, before I leave the *Holy Table, Name, and Thing*, give me leave to put you in mind, that there is no danger at all in the Altar, Name, or Thing. For at the beginning of the Reformation, though there were a Law for the taking down of the Altars, and ſetting up of Holy Tables in the room of them; yet in ſome places the Altars were not ſuddenly removed. And what ſays the Queen in her Injunction to this? *Injunct. ultim.*

Why, ſhe ſays, *That there ſeems no matter of great moment in this, ſaving for uniformity, and the better imitation of the Law in that behalf.* Therefore for any danger or hurt that was in the Altar, Name, or thing, they might have been left ſtanding, but for Uniformity, and the Imitation of the Law.

But howſoever, it follows in the ſame Injunction, *That when the Altar is taken down, the Holy Table ſhall be ſet in* (not croſs) *the place where the Altar ſtood*; which (as is aforeſaid) muſt needs be Altar-wiſe,

14. The Fourteenth and the laſt Innovation comes with a mighty Charge, and it is taken out of an Epiſtle to the Temporal Lords of his Majeſties Privy Council. Of which Epiſtle we got one ſheet, and ſo (for ought I yet know) that Impreſſion ſtaid: In that Sheet is this Charge, The words are,

The Prelates to juſtifie their proceedings, have forged a new Article of Religion, brought from Rome, (*which gives them full power to alter the Doctrine and Diſcipline of our Church at a blow,* as they interpret it) *and have foiſted it* (ſuch is their language) *into the beginning of the Twentieth Article of our Church. And this is in the laſt Edition of the Articles,* Anno 1628. *in affront of his Majeſties Declaration before them,* &c.

The Clauſe (which they is forged by us) is this: *The Church* (that is, the Biſhops, as they expound it) *hath Power to decree Rites and Ceremonies, and Authority in matters of Faith.* (The word is *Controverſies of Faith,* by their leave.) *This Clauſe* (ſay they) *is a Forgery fit to be examined, and deeply cenſured in the Star-Chamber. For it is not to be found in the Latine or Engliſh Articles of* Edward VI. or *Queen* Elizabeth, *ratified by Parliament.*

And then in the Margent thus, *If to forge a Will or Writing be cenſurable in the Star-Chamber, which is but a wrong to a private man: How much more the Forgery of an Article of Religion, to wrong the whole Church, and overturn Religion which concerns all our ſouls.*

This is a heavy Charge, my Lords: But I thank God the Anſwer is eaſie.

And truly I grant, that to forge an Article in Religion in whole or in part, and then to thruſt it upon the Church is a moſt hainous Crime, far worſe than the forging of a Deed; and is certainly very deeply cenſurable in this Court. And I would have humbly beſought you, that a deep cenſure might have been laid upon it, but that this Sheet was found after, and ſo is not annexed to the Information, nor in Judgment at this preſent before you.

But then, My Lords, I muſt tell you, I hope to make it as clear as the day, that this forgery was not, that this Clauſe mentioned was added, by the Prelates to the Article, to gain power to the Church, and ſo to ſerve our turns: But that that Clauſe in the beginning of the Article was by theſe men, or at leaſt by ſome of their Faction, razed out, and this to weaken the juſt power of the Church to ſerve their turns.

They ſay (to juſtifie their Charge) that this Clauſe is not to be found in the Articles, Engliſh or Latine, of either *Edward* VI. or Queen *Elizabeth.*

I anſwer: The Articles of *Edward* VI. and thoſe made under Queen *Elizabeth* differ very much. And thoſe of *Edward* VI. are not now binding. So whether the Clauſe be in or out of them, it is not much material.

But

But for the Articles of the Church of *England*, made in the Queens time, and now in force, that this Clauſe for the power of the Church to *decree Ceremonies, and to have Authority in Controverſies of Faith*, ſhould not be found in Engliſh or Latine Copies, till the Year, 1628. that it was ſet forth with the Kings Declaration before it, is to me a miracle, but your Lordſhips ſhall ſee the falſehood and boldneſs of theſe men.

What! Is this Affirmative Clauſe in no Copy, Engliſh or Latine, till the Year 1628? Strange! Why, my Lords, I have a Copy of the Articles in Engliſh, of the Year 1612. and of the Year 1605. and of the Year 1593. and in Latine of the Year 1563. which was one of the firſt Printed Copies, if not the firſt of all. For the Articles were agreed on but the Nine and twentieth day of *January*,

Anno $156\frac{2}{3}$. { According to the *Engliſh* Account. / According to the *Julian* Acccount.

And in all theſe, this Affirmative Clauſe for the Churches power is in. And is not this ſtrange boldneſs then to abuſe the World, and falſely to ſay it is in no Copy, when I my ſelf, out of my own ſtore, am able to ſhew it in ſo many, and ſo anciently.

But, my Lords, I ſhall make it plainer yet: For it is not fit concerning an Article of Religion, and an Article of ſuch conſequence for the Order, Truth, and Peace of this Church you ſhould rely upon my Copies, be they never ſo many, or never ſo ancient.

Therefore I ſent to the Publick Records in my Office, and here under my Officers hand, who is a publick Notary, is returned me the Twentieth Article with this Affirmative Clauſe in it. And there is alſo the whole Body of the Articles to be ſeen.

By this your Lordſhips ſee how free the Prelates are from forging this part of the Article. Now let theſe men quit themſelves and their faction, as they can, for their *Index Expurgatorius*, and their foul Raſure in leaving out this part of the Article. For to leave out of an Article is as great a Crime as to put in; and a main Raſure is as cenſurable in this Court as a forgery.

Why, but then my Lords, what is this *Myſtery of Iniquity?*

Truly, I cannot certainly tell, but as far as I can, I'le tell you.

The Articles you ſee were fully, and fairly agreed to, and ſubſcribed in the year $156\frac{2}{3}$. But after this, in the year 1571. there were ſome that refuſed to ſubſcribe, but why they did ſo, is not recorded. Whether it were about this Article or any other I know not. But in fact this is manifeſt, that in that year 1571. the Articles were Printed both in Latine, and Engliſh, and this Clauſe for the Church left out of both. And certainly, this could not be done, but by the malicious cunning of that Oppoſite Faction. And though I ſhall ſpare dead mens names where I have not certainty; yet if you be pleaſed to look back and conſider who they were that Governed buſineſſes in 1571. and rid the Church almoſt at their pleaſure; and how potent the Anceſtors of theſe Libellers began then to grow, you will think it no hard matter to have the Articles Printed, and this Clauſe left out.

And yet it is plain, That, after the ſtir about Subſcription in the year 1571. the Articles were ſetled and ſubſcribed unto at laſt, as in the year 1562. with this Clauſe in them for the Church: For looking farther into the Records which are in mine own hands, I have found the Book of $156\frac{2}{3}$. ſubſcribed by all the Lower Houſe of Convocation, in this very year of Contradiction, 1571. Dr. *John Elmar*, (who was after Lord

Biſhop of *London*) being there *Proloquutor*: *Alexander Nowel*, Dean of St. *Pauls*, having been *Proloquutor* in 156$\frac{2}{3}$. and yet living and preſent and ſubſcribing in 1571. Therefore I do here openly in Star-Chamber charge upon that pure Sect this foul corruption of falſifying the Articles of the Church of *England*; let them take it off as they can.

I have now done, and it is time I ſhould, with the Innovations charged upon the Prelates, and fit to be anſwered here.

Some few more there are, but they belong to matter of Doctrine, which ſhall preſently be anſwered, *Juſto Volumine*, at large, to ſatisfie all well-minded people. But when Mr. *Burtons* Book which is the main one, is anſwered, (I mean his Book, not his Railing) neither *Prynn*, nor *Baſtwick*, nor any Attendants upon *Rabſhakeh* ſhall by me or my care be anſwered. If this Court find not a way to ſtop theſe Libellers Mouths and Pens, for me they ſhall rail on till they be weary.

Page 175. Yet one thing more I beſeech you give me leave to add. It is Mr. *Burtons* charge upon the Prelates, *That the Cenſures formerly laid upon Malefactors are now put upon Gods Miniſters for their Vertue and Piety.*

A heavy charge this too. But if he or any man elſe can ſhew that any man hath been puniſhed in the *High Commiſſion*, or elſewhere, by the Prelates, for Vertue and Piety, there is all the reaſon in the world we ſhould be ſeverely puniſhed our ſelves. But the truth is, the Vertue and Piety for which theſe Miniſters are puniſhed, is for preaching Schiſm and Sedition, many of their Sermons being as bad as their Libels; As *Burtons* Libel was one of his Sermons firſt. But whether this ſtuff have any Affinity with Vertue and Piety, I ſubmit to any Chriſtian Reader.

And yet Mr. *Burton* is ſo confident of his Innocency, even in this cauſe wherein he hath ſo foully carried himſelf, that he breaks forth into

Page 7. theſe words, *I never ſo much as once dreamed, that Impiety and Impudency it ſelf, in ſuch a Chriſtian State as this is, and under ſuch a gracious Prince, durſt ever thus publickly have called me in queſtion, and that upon the open Stage*, &c.

You ſee the boldneſs of the Man, and in as bad a cauſe, as (I think) in this kind ever any man had.

* Lib. 1. Ep. 3. I ſhall end all with a paſſage out of St. *Cyprian* *, when he, then Biſhop of *Carthage*, was bitterly railed upon by a pack of Schiſmaticks, his anſwer was, and it is now mine; They have railed both bitterly and falſly upon me, and yet *Non oportet me paria cum illis facere*; It becomes not me to anſwer them with the like, either Levities or Revilings, but to ſpeak and write that only which becomes *Sacerdotem Dei*, a Prieſt of God.

Neither ſhall I in this give way (though I have been extreamly vilified) to either grief or paſſion to ſpeak, remembring that of the *Pſalmiſt*, *Pſal.* 37. 8. *Fret not thy ſelf, elſe ſhalt thou be moved to do evil.*

Neither yet by Gods grace ſhall the Reproaches of ſuch men as theſe, make me faint or ſtart aſide, either from the right way in matter of pra-

Ibid. p. 10. ctice, (they are St. *Cyprians* words again) or *à certâ regulâ*, from the certain Rule of Faith.

And

And ſince in former times, ſome ſpared not to call the Maſter of the houſe *Beelzebub*, how much more will they be bold with them of his houſhold, as it is in St. *Matthew*, *Chap.*10.25. And ſo bold have theſe men been; but the next words of our Saviour are, *Fear them not.*

I humbly crave pardon of your Lordſhips for this my neceſſary length, and give you all hearty thanks for your Noble patience, and your Juſt and Honourable Cenſure upon theſe Men, and your unanimous diſlike of them, and defence of the Church.

But becauſe the buſineſs hath ſome reflection upon my ſelf, I ſhall forbear to cenſure them, and leave them to Gods Mercy, and the Kings Juſtice.

Inſtructions

July 27. 1631.

Inſtructions for Muſters *and* Arms, *and the uſe thereof, by Order of his Majeſties Privy Council.*

Becauſe the meaſure of theſe diſtances cannot be taken ſo juſtly by the eye, we take the diſtance of ſix foot between *File* and *File*, by commanding the Souldiers, as they ſtand, to ſtretch forth their arms, and ſtand ſo removed one from another, that their hands may meet.

And for the *Ranks*, we make account we take the ſame diſtance of ſix foot, when the butt end of the Pikes do almoſt reach their heels that march before. We take the ſecond order or diſtance of three foot between *File* and *File*, by bidding the Souldiers ſet their arms a Kenbow, and put themſelves ſo cloſe, that their elbows may meet. And we reckon we take the ſame diſtance between the *Ranks*, when they come up almoſt to the Swords point.

FIrſt of all, it is to be underſtood that there are three ſorts of diſtances, to wit, *Open Order*, *Order*, and *Cloſe Order*. *Open Order*, or the firſt diſtance is, when the Souldiers both in *Rank* and *File* ſtand ſix foot removed one from another.

The ſecond diſtance, or your *Order* is, when the Souldiers ſtand three foot removed both in *Rank* and *File* one from another, and this *Order* is to be uſed when they are embattelled, or march in the face of an Enemy, or when they come to ſtand, or when you will Wheel. But when you march thorow any Country, you muſt obſerve three foot only from *File* to *File*, and ſix from *Rank* to *Rank*. The third diſtance, or your *Cloſe Order* is commanded by this word *Cloſe*, which is, when there is one foot and a half from *File* to *File*, and three from *Rank* to *Rank*, and this is for the Pikes only, and muſt never be uſed, but when you will ſtand firm to receive the Charge of an Enemy. The Muskettiers muſt never be cloſer than the ſecond diſtance of three foot in ſquare, becauſe they are to have a free uſe of their Arms.

In exerciſing your motions, you are always to obſerve your *Open Order* of ſix foot in ſquare, in which the Company being firſt placed, you are to acquaint them to theſe terms of directions.

Stand right in your *Files*.
Stand right in your *Ranks*.
Silence.
To the right hand.
As you were.
To the left hand.
As you were.
To the right hand about.
As you were.
To the left hand about.
As you were.
Ranks to the right hand double.
As you were.
Ranks to the left hand double.
As you were.
Files to the right hand double.
As you were.
Files to the left hand double.
As you were.
Middlemen to the right hand double your front.
As you were.
Middlemen to the left hand double your front.
As you were.

It is to be noted when you are commanded to be as you were, you are ever to return by the contrary hand, from whence you came. As for example, If you did turn to the right hand, you are to return as you were to the left hand, and ſo in the reſt.

Ranks

When you will countermarch to the right hand, the firſt Rank of Leaders only muſt advance one ſtep forward with the right leg, and then turn, and all the other Ranks muſt march firſt up to the place from whence the firſt Rank did Countermarch before they turn. So likewiſe if you will countermarch to the left hand, the firſt Rank muſt ſtep forwards one ſtep with the left leg, and then turn, and all the other Ranks behind muſt come up to that place before they turn, as before. The ſame order is to be obſerved when you will countermarch your Files.

Ranks, to the right or left hand countermarch.
To the right or left hand, at diſcretion.
Files, to the right or left hand countermarch.
To the right or left hand as you were.

In countermarching though both are here ſet down for diſtinction ſake, you are to name neither Ranks nor Files: But are only to ſay, To the right hand Countermarch, or to the left hand Countermarch.

Before you Wheel.

When you exerciſe a Company ſingle, you double your Ranks before you Wheel, in regard the Body is ſmall. But in a Diviſion, or greater Body, you cloſe firſt both your Files and your Ranks to your Order of three foot, and omit the doubling, and ſo Wheel.

When you will Wheel to the right hand, double your Ranks to the left hand, and when you Wheel to the left hand, double your Ranks to the right hand. For ſo the right and left hand Leaders will keep their places on that corner towards which you Wheel.

Ranks, to the right or left hand double.
Files, to the right or left hand, or to the middle, cloſe to your *Order*, to three foot between *File* and *File*.
Ranks, cloſe to your *Order*, to three foot between *Rank* and *Rank*.
To the right hand Wheel, } Which you liſt, and
To the left hand Wheel, } each as often as
Or Wheel about, } you liſt.

After you have Wheeled.

This manner of opening is uſed only in a ſingle Company. For in greater Bodies where the doubling is omitted, you open firſt your Ranks, and then your Files to your open Order of ſix foot, to bring them back again as they were.

Ranks, backward open in double diſtance.
Files, open to your *Order*, that is, to three foot.
Ranks, as you were.

By double diſtance is meant twelve foot. For ſo the Ranks (which before did double) falling out again into their firſt places, come juſt to the diſtance of their open Order of ſix foot, in which they were before they doubled.

In opening *Ranks* or *Files*, you muſt make all the *Files* or *Ranks*, ſaving the outermoſt on that hand from whence you mean to open (which muſt ſtand) to move all together till the ſecond *Rank* or *File*, from that which ſtandeth, have gotten its diſtance, and ſubſequently the reſt.

If you will have them cloſe their *Files* to the right or left hand, the outermoſt *File* on that hand you purpoſe to cloſe, muſt be commanded to ſtand, and all the reſt to cloſe to it.

In charging, half the Ranks only muſt charge their Pikes, the other hindermoſt half of the Ranks do port their Pikes, that is, they carry them ſo couched over the heads of the formoſt, as may give them no offence, either in charging or retiring. Beſides, this way the Pikes are not ſo ſubject to be broken by the Shot of the Enemy, as when they are advanced.

Advance your Pikes.
Order your Pikes.
Shoulder your Pikes.
Charge your Pikes,
Order your Pikes.
Trail your Pikes.
Check your Pikes.

Theſe

These following motions are to be performed both ſtanding and marching.

They muſt likewiſe obſerve when they charge ſtanding, to fall back with the right Leg, and marching to ſtep forwards with the left.

Charge your Pikes.
Shoulder your Pikes.
To the right hand charge.
Shoulder your Pikes.
To the left hand charge.
Shoulder your Pikes.
To the Rear charge.
Shoulder your Pikes.
Stand.
Order your Pikes.

For the Muſket.

Theſe are the Poſtures which in this Book are to be obſerved: But in Exerciſing, you muſt only uſe theſe three terms of direction.

Make ready.
Preſent.
Give fire.

Your Muskettiers muſt obſerve in all their motions, to turn to the right hand, and that they carry the mouth of their Peeces high, as well when they are ſhouldered, as in Priming, as alſo when they hold their Pans guarded, and come up to give fire.

In advancing towards an Enemy, when they do not skirmiſh looſe and disbanded, they muſt give fire by Ranks after this manner: Two Ranks muſt always make ready together, and advance ten paces forwards before the Bodies, at which diſtance a Sergeant (or when the Body is great, ſome other Officer) muſt ſtand, to whom the Muskettiers are to come up before they preſent and give fire. Firſt, the firſt Rank, and whilſt the firſt gives fire, the ſecond Rank keep their Muskets cloſe to their Reſts, and their Pans guarded; and as ſoon as the firſt are fallen away, the ſecond preſently preſent and give fire, and fall after them. Now as ſoon as the two firſt Ranks do move from their places in the front, the two Ranks next it muſt unſhoulder their Muskets, and make ready, ſo as they may advance forward ten Paces, as before, as ſoon as ever the two firſt Ranks are fallen away, and are to do in all points as the former. So all other Ranks through the whole Diviſion muſt do the ſame by twos one after another.

A manner there is to give fire retiring from an Enemy, which is performed after this ſort.

As the Troop marcheth, the hindermoſt Rank of all keeping ſtill with the Troop, maketh ready, and being ready, the Souldiers in that Rank turn all together to the right hand, and give fire, marching preſently away a good round pace to the Front, and there place themſelves in Rank together juſt before the Front. As ſoon as the firſt Rank turns to give fire, the Rank next it makes ready, and doth as the former, and ſo the reſt.

We

We give fire by the Flank thus; The outermoſt File next the Enemy muſt be commanded to make ready, keeping ſtill along with the Body, till ſuch time as they be ready, and then they turn to the right or left hand, according to the ſight of their Enemy, either upon their right or left flank, and give fire all together: When they have diſcharged they ſtir not, but keep their ground, and charge their Peeces again in the ſame place they ſtand. Now as ſoon as the aforeſaid File doth turn to give fire, the outermoſt next it makes ready, always keeping along with the Troop, till the bringer up be paſt a little beyond the Leader of that File that gave fire laſt, and then the whole File muſt turn and give fire, and do in all points as the firſt did, and ſo all the reſt one after the other. A Sergeant, or (if the Troop be great) ſome other better qualified Officer muſt ſtand at the head of the firſt File, and as ſoon as the ſecond File hath given fire, and hath charged, he is to lead forward the firſt File up to the ſecond File, and ſo to the reſt one after another, till he hath gathered up again the whole Wing, and then he is to joyn them again in equal front with the Pikes.

Laſt of all the Troop or whole Wing of Muskettiers makes ready all together, and the firſt Rank without advancing gives fire in the place it ſtands in, and ſpeedily as it may, yet orderly, falls away, all the Ranks doing the ſame ſucceſſively, one after another.

The Arms of a Pikeman are, Gorget, Curats, Head-piece, Sword, Girdle and Hangers.

The Arms of a Muskettier are, a Muſket, a Reſt, Bandeliers, Head-piece, Sword, Girdle and Hangers.

It is required, that the Muskets be all of a Bore, the Pikes of a length: But to the end this courſe may not by a ſudden alteration turn to a general charge and burthen upon the people, the Lords Lieutenants, and the Deputy Lieutenants are rather to uſe the way of advice and encouragement, as a matter which will be very acceptable to his Majeſty, who will take notice of the affection of ſuch as ſhall moſt readily provide Arms according to this order, then to enforce a preſent general obſervation thereof. But in caſe where the Arms ſhall be decayed, and muſt be renewed, this order is to be ſtrictly obſerved.

The Arms of Horſemen, Cuiraſſiers, are a Gorget, Curats, Cutaſes, Pouldrons, Vambraces, a left Hand-Gauntlet, Taces, Cuiſſes, a Cask, a Sword, Girdle and Hangers, a Caſe of Piſtols, Firelocks, Saddle, Bridle, Bitt, Petrel, Crupper, with the Leathers belonging to faſten his Piſtols, and his neceſſary ſack of carriage, and a good horſe to mount on.

The Arms of a Harquebuſier or Dragoon, which hath ſucceeded in the place of Light-horſemen (and are indeed of ſingular uſe almoſt in all Actions of War) the Arms are a good Harquebus, or Dragoon, fitted with an Iron work, to be carried in a Belt, a Belt with a Flask, Priming-box, Key, and Bullet-bag, an open Head-piece with cheeks, a good Buff Coat with deep Skirts, Sword, Girdle, and Hangers, a Saddle, Bridle, Bitt, Petrel, Crupper, with Straps for his Sack of neceſſaries, and a horſe of leſs force and leſs price than the Cuiraſſier.

In the exerciſe of the Foot Troops, the Companies are to be of hundreds only, beſides Officers, that they may be ſo much the nearer together to be trained and exerciſed with leſs pains to the Souldiers, and leſs loſs of time, when they ſhall be called together by their Captain.

The Company is to be divided into Files of ten in a File, the File is to be diſtinguiſhed into a Leader, a Bringer up, two Middlemen, and

o *Leader.*
—
—
—
o *Middleman*
o *Middleman*
—
—
—
o *Bringer up.*

three between the Leader and his Middleman, and three between the Bringer up and his Middleman. When the Companies come together, they are to be exerciſed ten in depth (as the proportion beſt fitted to receive all charges, and perform all executions;) But in caſes of neceſſity in ſervice, and for exerciſe it will be requiſite to reduce them into five in File, and then thoſe two Middlemen become Bringers up, and then have a kind of charge over thoſe three between the Leader and the Bringer up, and will be of great uſe in preparing and exerciſing of the Souldiers in the practice of their Arms and Order. For it is not intended that the whole Companies ſhould be drawn together to be exerciſed: But that upon Sundays after Evening Prayer, and upon Holy days (as it hath been formerly uſed for Bow) the Leader, Bringer up, or Middlemen ſhould exerciſe together with his whole File, or ſuch a part as dwels moſt convenient for him. And further, that once in a Month, or ſix Weeks, the Captain, Lieutenant, or Ancient may (with the knowledge of the Deputy Lieutenant that dwells next him) upon a Holiday exerciſe a Squadron of his Company, or the whole, as ſhall ſeem good to the Deputy Lieutenant.

o *Leader*
—
o *Middleman*
o *Middleman*
—
o *Bringer up.*

The like form for the Horſe: But it is to be obſerved, that the Files of Horſe are never to be above ſix, but diſtinguiſhed by the names of Leader, Bringer up, and two Middlemen, and to be doubled to three deep, upon occaſion. And to avoid the great abuſe that is practiſed by thoſe that are inrolled to keep Horſes for the Kings Service, That the Leader, Bringer up, or Middlemen of the Files of Horſe, do exerciſe the Horſe upon Holidays and Sundays after Evening Prayer: And that the Captain by himſelf, his Lieutenant, or Cornet, may (with knowledge of the next Deputy Lieutenant) upon a Holiday, call together ſome Files, or a Squadron of his Company, to practiſe them in the exerciſe of their Arms. The Officers alſo both of Horſe and Foot-Bands, as well in the Chief, as Inferiours, Serjeants, Corporals, and Lamprizadoes, are to have a more ſpecial care for the ordinary exerciſing of the Souldiers of their Company, which dwell next unto them, and properly for them.

A ſpecial care and order muſt be taken that all thoſe that find a man to ſerve on Horſeback, whether they find the Horſe or the Man, or both, muſt not change the Horſe or Man at their pleaſure: For ſo it would be every day to practiſe a new Man, or a new Horſe, and the exerciſe be made vain. But they muſt take into conſideration, that the Man and Horſe deſigned to the Service of the King, hath (by the intention of the Law) been dedicated ſo to the Intereſt of the King, as they muſt always be in readineſs at the call of the Kings Officers, and may not be changed without the knowledge and conſent of the Captain, or Deputy Lieutenant next adjoyning, or by Warrant of the Lord Lieutenant. And this with this only limitation, that another ſufficient Man or Horſe be ſupplied in the room of the Man or Horſe made deficient, for a juſt cauſe well approved of. And as the Souldier, or Horſe may not be changed or diſcharged, without the knowledge of the Captain or Superiour Officers; So it is not lawful for the Captain to change or diſcharge any Man or Horſe (once inrolled) without the approbation of the Lord Lieutenant, or his Deputy.

A principal care is to be taken for the proviſion of the Arms, that they may be provided at ſuch rates as they are truly worth, that the people be not ſubject to the abuſe of undertakers for theſe buſineſſes:

And

And alſo for the furniſhing of every Shire with a competent proportion of Match, Powder, and Bullets, to which purpoſe directions have been heretofore already given. Nevertheleſs, it is not held neceſſary, until the Souldiers be perfect in their Poſtures, and ready managing of the Pike when they are armed, and the Musket together with the Reſt, that there ſhould be any expence of Powder at all: And then for ſome time to be exerciſed with ſome falſe fires, which is only a little Powder in the Pan: Nor at any time to blow away their Powder in vain; but that Powder which ſhould be allowed by the Country for training, be beſtowed only at Marks: In which caſe it is to be wiſhed, that little ſmall Prizes might be provided at the coſt of the Country, to be ſhot for at the Marks, which would give an ambition to men to carry them away, and would ſave the Country more in Powder than their value: And a deſire in men to render thamſelves perfect, would make them to find themſelves Powder with that money, which on thoſe days, and in thoſe times, would be worſe ſpent in an Alehouſe.

HAMILTONS Vindication, *Anno* 1638.

IT will, no doubt, ſeem ſtrange to ſee my name in Print, ſtanding ſo near theſe men who are Interlocutors in the Succeeding Pages, their profeſſion and mine being of ſuch different natures: But I ſhall intreat the ingenuous Reader to take notice of the neceſſity of this my doing.

I am by the three Anſwerers to theſe Demands wronged, and that by an injury of an high nature, challenged in Writing to have done that, which God doth know never entred into my thoughts; and for any thing the Anſwerers did, or do know, never came into my mind. And though by the Law of Challenges, they have challenged me, I may chooſe the Weapons (which certainly ſhould have been in another kind, had the Challengers been of another Profeſſion) yet being men of ſo holy a Function, I have thought good to make choice of their own Weapons; and by my Pen to do out that blot, which they by their Pen have laid upon me. And I have thought it fit to do it in a Schedule annexed to this Book (which for that cauſe only I have cauſed to be here Reprinted) that where mens minds perhaps may be poyſoned by ſwallowing an untruth in their Anſwers, ſo deeply wounding my Honour and Loyalty; this Antidote might be ready at hand to cure them, before they ſhould be fully tainted with it: As likewiſe ſuppoſing that if they ſhould be Printed ſeverally, many might meet with their Anſwers alone, which might leave in them a bad impreſſion of me; if they ſhould not be attended with this juſt and true expreſſion of mine.

The injuries wherewith I am violated by the three Anſwerers, are of two ſorts: One of them ſtrikes me alone, as his Sacred Majeſties High Commiſſioner: The other wounds me as his Majeſties Counſellour; and with me all of that honourable board. The former is this,

They deliver Affirmatively, That the *Declaration which they tendered me of their late Covenant, was ſuch as I accepted, and was well pleaſed with.* And this they ſet down twice for failing: In their anſwer to the firſt Demand towards the end, and in their anſwer to the third Demand a little before the middle of it: And that with ſuch confidence, as truly I cannot with any juſtice blame the Reader for believing of it, when it fell from the Pens of theſe men, whoſe Profeſſion is the teaching of truth.

But I ſhall deſire the Readers to ſuffer themſelves (notwithſtanding the prejudice of theſe mens perſons) to be undeceived by a plain averment of truth.

I am confident none of theſe three Anſwerers ever heard me ſay ſo, nor will they ſay they did. If they but heard it from others (which I do verily believe they did not, and ſhall do ſo ſtill, till they avouch their Authors) ſure no man can chooſe but miſs in them that civil prudence, which will not allow any diſcreet man to affirm that of any other; much leſs of a perſon of my quality, and at this time of my place; the foundation whereof ſhall be ſo frail and ſlippery, as report, which is always uncertain, and moſt times falſe.

For clearing the truth, I do aver upon mine Honour that I never ſaid

ſo

ſo, I never thought ſo. And though that that Declaration was much bettered by the induſtry of ſome well-affected (from what was firſt intended) yet it gave me not ſatisfaction: And I dare boldly affirm, I never ſaid it would give my Maſter the Kings Majeſty any. My Juſtifiers in this ſhall be theſe Noblemen, Gentlemen, and others to whom I ever ſpoke, either publickly, or in private. I was indeed content to catch at any thing I could, when I could not obtain what I would: As being willing to do my Country-men that reſpect, as to the utmoſt of my power to recommend to my gracious Maſter, with all favourable conſtruction, even that which I then thought, and did know fell ſhort of juſt and home ſatisfaction. * And here, I do confeſs, I cannot charge it for a faulty miſtake upon the Readers of theſe Aſſeverations of the three Anſwerers, if they ſhould before this my Declaration, conceive that his Majeſty were in all probability like to reſt ſatisfied with that Declaration of the Covenant; having it delivered to them from men whom they have in all this buſineſs believed as much as themſelves, that his Majeſties Commiſſioner, who in all likelihood did know his Majeſties mind beſt, did reſt ſatisfied with it.

But his Majeſty hath juſt reaſon to charge me, if theſe Aſſeverations were true; as I have good reaſon to vindicate my ſelf, they being not true. The truth is, if theſe Aſſeverations be true, I do profeſs to the whole world, that his Majeſty hath a moſt juſt cauſe to diſcharge himſelf of me, and my ſervice, and to diſcharge me of all truſt in this, or any other Negotiation. For I profeſs, that I knowing his Majeſties conſtant miſlike of the ſaid Covenant, it muſt bewray in me, either breach of truſt, or want of judgment; If I ſhould go about to make either my ſelf, or the world believe, that my Maſter could receive ſatisfaction by ſuch an explanation.

And here I cannot diſſemble, but muſt ask leave to vent my ſelf thus far. Had theſe wrongs been put upon me by the Pens of other men, and not of thoſe whoſe Profeſſions I am forward and willing to believe (becauſe I would have it ſo) will not ſuffer them to embrace wilful and malicious deſigns: I ſhould juſtly have doubted, that there had been ſome men in this Kingdom, who being afraid of a ſetling and peaceable concluſion of this buſineſs, had gone about to raiſe in my Royal and Gracious Maſter a jealouſie of my ſlackneſs in my King and Countries Service, that ſo I might be called back, *re infecta*.

If any ſuch Enemies there be to the peace of this miſerable diſtracted Church and State, I beſeech God in time to diſcover them, and that all may end in covering them with ſhame and confuſion. The ſum of all I will ſay of this perſonal wrong offered to my ſelf is this: If theſe reverend and learned Gentlemen, the Anſwerers, in theſe untrue Aſperſions intended any harm to me, I ſhall only now requite them with a caſt of their own Calling, I pray God forgive them. If they intended me no harm, then I do expect that they will give my ſelf and the World ſatisfaction in clearing me that I gave them no ground for theſe their Aſſeverations. And ſo being confident of his Majeſties goodneſs to all his Miniſters; among the reſt, to the meaneſt of them, my ſelf, eſpecially in this particular, that he will never be ſhaken in the opinion of my loyal and conſtant ſervice, upon ſuch ſlight, light, and groundleſs reports, I will ſay no more of that firſt point.

For that which concerneth my ſelf as a Counſellour, and the reſt of that honourable Board, averred by the three Anſwerers in their Anſwers to

* Nor is there any ground for their opinion of my acceptation of that declaration, unleſs they call receiving, accepting; and that was not in my power to refuſe, it being conceived in formal words of a ſupplication, and ſo tendered to me, who by my Royal after his inſtructions was commanded to receive the Petitions of all his good and loyal ſubjects.

to the third and fourteenth Demand, I do here proteſt before Almighty God, that none of the Allegations alleged by the three Anſwerers, or any Petition given me by the Supplicants, moved me to give way, that the Order of the Council Table ſhould not paſs into an Act: for I did then, and do now avow, that I then was, and now am fully ſatisfied with his Majeſties moſt gracious Declaration; and that in my opinion all ought to have thought themſelves ſufficiently freed from fears of Innovations. But the true reaſon was this, I was ſo tenderly affectioned towards the peace of my Country, that I gave way to that, which many of honourable quality aſſured me, if it were not done, a preſent rupture might follow, and ſo conſequently the ruine of this Kingdom; which I was reſolved to keep off ſo long as poſſibly I could, retaining my fidelity to my Maſter. Which care of mine I find but ſlenderly requited, when it is made an argument to perſwade his Majeſties good Subjects to do that which is ſo diſpleaſing to him, and ſo unſafe for them. And yet even in this paſſage, it would have been expected from men of that Profeſſion, that nothing ſhould have paſſed but undoubted truth. In which point too they have failed, either as I hope by a miſtaking, or a miſ-informing. For the Miſſive once thought fit to be ſent to his Majeſty was never rent, but remaineth yet as it was: And we did not ſend it, becauſe we did not think, thanks to his Majeſty would be ſeaſonable in the name of the whole Kingdom, when we knew his Majeſty, by the laſt proceedings of many, and Proteſtations made againſt his Royal Declaration (pretended in the name of the whole Country) could not receive ſatisfaction.

To conclude, notwithſtanding this Perſonal wrong offered to me his Majeſties High Commiſſioner, I will carefully, chearfully, and conſtantly go on with this great buſineſs, wherewith he hath intruſted me. Which as I pray God it may proſper under my hands: So I praiſe God that he hath given me ſo chearful and willing a heart to go on in it: That if my life could procure the peace of this torn Church and Kingdom, to the contentment of my Royal Maſter, and comfort of his diſtracted Subjects; he who knoweth all things, knoweth likewiſe this truth: It is the ſacrifice of the world, in which I would moſt glory, and which I would moſt ſincerely offer up to God, my King, and Country.

HAMMILTON.

The

The Grievances given in by the Miniſters before the laſt Parliament in June 1633.

THe Miniſters ſtanding for the preſervation of the purity of Religigion in Doctrine, Worſhip, and Goverment, aſſayed ſundry means to have his Majeſty rightly informed of the eſtate of our Kirk, but the ſucceſs was not anſwerable to their expectation. Yet having the opportunity of his Majeſties coming to his Native Country of *Scotland* to be Crowned, and hold his firſt Parliament, they adviſed upon ſome grievances to be preſented to his Majeſty and Eſtates. It was ordained by Act of Parliament 1594. that four of every Eſtate ſhould Convene twenty days before the beginning of the Parliament, to conſider all Articles and Petitions, which were to be given in, that ſuch things only might be put in form, and preſented to the Lords of the Articles in time of Parliament, as were reaſonable and neceſſary, and that ſuch, as were impertinent and frivolous, might be rejected. But it was not determined who ſhould make choice of the Perſons. Yet this was not obſerved before the laſt Parliament. But upon the 16 of *May* 1633. Intimation was made by Proclamation, that all ſuch, as purpoſed to give in any Articles or Petitions, deliver the ſame to the Clerk Regiſter betwixt that and the firſt day of *June*, to be preſented by him to ſuch of the Eſtates and Council, as ſhould be appointed to hear and conſider them. The Miniſters fearing not to be heard otherwiſe, appointed one of their diſtreſſed Brethren, Mr. *Thomas Hogge*, to preſent their grievances to him, which he preſented and delivered, and took inſtruments thereupon in the hands of a Notair.

Grievances and Petitions concerning the diſordered eſtate of the Reformed Kirk within this Realm of Scotland, *preſented upon the* 29 *day of* May 1633. *by me Mr.* Thomas Hogge, *Miniſter of the Evangel, in mine own name, and in the name of others of the Miniſtry, likewiſe grieved, to* Sir John Hay *Clerk of Regiſter, to be preſented by him to ſuch as ought, according to the Order appointed, conſider them, that thereafter they may be preſented to his Majeſty and Eſtates, which are to be aſſembled at the next inſuing Parliament.*

THe opportunity of this ſolemn meeting of your gracious Majeſty, and the honourable Eſtates convened in this High Court of Parliament, and the Conſcience of our duty to God and the Reformed Kirk within this Realm of Scotland, *where we ſerve by our Miniſtry, conſtrains us to preſent in all humility to your Highneſs and Eſtates preſently aſſembled thoſe our juſt Grievances and reaſonable Petitions following:*

1. *Albeit Vote in Parliament was not abſolutely granted to Miniſters provided to Prelacies, but only upon ſuch conditions as his Highneſs of happy memory, and the general Aſſemblies of the Kirk ſhould agree upon, which is evi-*

dent

dent by the remit and proviſion expreſſed in the Act of Parliament holden at Edinburgh *in* December 1597. *And albeit the manner of their Election and Admiſſion to the Office of Commiſſionary, and the particular conditions and cautions to be obſerved by Miniſters Vote in Parliament in name of the Kirk after long diſputation, were agreed upon by his Majeſty preſent in Perſon, and the general Aſſembly, and were appointed by them to be inſert in the body of the Act of Parliament, which was to be made concerning that purpoſe. Some Miniſters nothwithſtanding have been, and are admitted to Vote in Parliament, in name of the Kirk, as abſolutely, as if the Act of Parliament did contain no ſuch reference, and as if his Majeſty with the general Aſſembly had not agreed upon the manner of their Election and Admiſſion to that Office, or upon any limitations; whereby the Kirk hath ſuſtained great hurt and prejudice in her Liberties and Priviledges, and ſpecially by their frequent tranſgreſſing the firſt of the Conditions, although grounded upon the very Law of Nature and Nations.* "*That nothing be proponed by them in* "*Parliament, Council, or Convention in name of the Kirk without expreſs* "*Warrant and direction from the Kirk, under the pain of depoſition from* "*their Office; Neither ſhall they keep ſilence, nor conſent in any of the ſaid* "*Conventions to any thing that may be prejudicial to the liberty and Weal of* "*the Kirk, under the ſaid pain. And the ſecond, That they ſhall be bound* "*at every general Aſſembly to give account anent the diſcharging of their Com-* "*miſſion ſince the Aſſembly preceding, and ſhall ſubmit themſelves to their Cen-* "*ſure, and ſtand to their determination whatſoever without Appellation, and* "*ſhall ſeek and obtain Ratification of their doings at the ſaid Aſſembly under* "*the pain of Infamy and Excommunication. Therefore our humble Supplication is, that the execution of the Acts of Parliament of matters belonging to the Kirk, to which they have voted in the name of the Kirk, without any authority or allowance from the general Aſſemblies of the Kirk, be ſuſpended, till the Kirk be heard, and that in time coming Miniſters have no otherwiſe Vote in Parliament, but according to the proviſion of the Act of Parliament, and the order of their entry to the Office of that Commiſſionary and limitation foreſaid agreed upon, as ſaid is.*

2. *Seeing Ratifications of Acts and Conſtitutions of the Kirk cannot be conſtrued to be a benefit or favour to the Kirk, unleſs the Ratifications paſs according to the meaning of the Kirk, and the Tenour of the ſaid Acts and Conſtitutions, without Omiſſion, Addition, or Alteration of Clauſes, Articles, or Words of importance, and that in the Ratification of the Act of the Aſſembly holden at* Glaſgow, Anno 1610. *which paſt in Parliament holden* 1612. *under the name of Explanation, ſundry Clauſes and Articles were omitted; as* the ſubjection of Biſhops *in all things concerning their Life, Converſation, Office, and Benefice, to the cenſure of the general Aſſembly, the cenſure of Biſhops in caſe they ſtay of the Cenſure of Excommunication, the continuing of the exerciſe of Doctrine Weekly, the neceſſity of the Teſtificat and aſſiſtance of the Miniſtry of the bounds for the admiſſion of Miniſters, and other Clauſes and Articles are added and inſert, as the different degrees of Archbiſhops, and Biſhops, the power of giving collation of Benefices granted to Biſhops, the diſponing of Benefices falling in their hands* jure devoluto, *the appointing of Moderators in Dioceſan Synods in caſe of their abſence, and ſome words of the Oath are changed: By all which Omiſſions, Additions, and Alterations, the Kirk hath ſuſtained, and doth ſuſtain great hurt in her Juriſdiction and Diſcipline. Our humble deſire therefore is, that the Kirk may be liberate from the prejudice of thoſe Omiſſions, Additions, and Alterations of the Act foreſaid.*

3. *Not-*

3. *Notwithſtanding the general Aſſemblies have been holden from the time of Reformation till the year* 1603. *at leaſt once in the year, and oftner* pro re nata, *Provincial Synods twice in the year, Weekly Meetings for Exerciſes and Presbyteries every Week, for matters to be treated in them reſpective, and their Liberties were ratified in Parliament* Anno 1592. *and by that, as a moſt powerful mean, bleſſed be God, Peace and Purity of Religion were maintained: And in the Aſſembly holden at* Glaſgow 1610. *when Commiſſioners Voters in Parliament provided to Prelacies were made liable to the Cenſures of the general Aſſembly, it was acknowledged that the neceſſity of the Kirk craved, that there ſhould be yearly general Aſſemblies; And the Miniſtry were then aſſured, that Liberty would be granted upon their requeſt, whereby they were induced to condeſcend ſo far to the Act then made, as they did, which Act alſo in the very entry thereof a requeſt to his Majeſty, that general Aſſemblies may be holden in all times coming once in the year, or preciſely at a ſet and certain time; Nevertheleſs the wonted Liberty of holding general Aſſemblies is ſuppreſſed, the order of the Provincial Synods confounded, Presbyteries in a great part diſordered and neglected, whereby Diviſions have entred into the Kirk, Miniſters have become negligent in their Callings, and ſcandalous in their Lives, the Godly are heavily grieved, the Weak are ſcandalized, erroneous Doctrine is delivered in Kirks and Schools without controlement; the Commiſſioners Voters in Parliament lie untried and uncenſured, and Atheiſm and Popery increaſe: Our humble deſire is therefore, that the Acts of Parliament, made in favours of the Aſſemblies of the Kirk, and eſpecially the Act of Parliament holden at* Edinburgh *in* June 1592. *be revived and ratified in this preſent Parliament.*

4. *Notwithſtanding the obſervation of Feſtival days, Private Baptiſm, Private Communion, Epiſcopal Confirmation of Children, have been rejected by this our Reformed Kirk, ſince the beginning of the Reformation; and it hath been declared by Act of Parliament in the year* 1567. *that ſuch only were to be acknowledged Members of this Reformed Kirk, as did participate of the Sacraments as they were then rightly miniſtred, which was without kneeling in the act of receiving the Sacramental Elements of the Supper, or immediate diſpenſing of the ſame to every Communicant by the Miniſter. And that it was Statute and Ordained in the ſame Parliament, that all Kings ſhould give their Oath at their Coronation to maintain the Religion then profeſſed, and that form of miniſtration of the Sacraments which then was uſed: nevertheleſs Paſtors and People adhering to their former profeſſion and practice are nicknamed* Puritans, *and threatned, not only without any good warrant, but beſide the tenour of the Act of* Perth *Aſſembly, which containeth no ſtrict injunction, and contrary to the meaning of the Voters, and to the proceedings of that Aſſembly, where it was profeſſed that none ſhould be preſſed with obedience to that Act: Therefore we humbly intreat that by Ratification of the Acts of Parliament, made before that Aſſembly, and by ſuch ways as ſhall ſeem good to your Gracious Majeſty, and honourable Eſtates aſſembled, your Majeſties good People, Paſtors and Profeſſors may both be purged from ſuch foul aſperſions, and may be freed from all dangers and fears which may occur by occaſion of that Act of* Perth.

5. *Albeit it be determined by the general Aſſemblies of this our Reformed Kirk, what Oaths Miniſters ſhould take at the time of their Admiſſion or Ordination, yet there is a new form of Oath deviſed and urged by the Admitters or Ordainers, upon intrants to the Miniſtry, together with ſubſcription to certain Articles deviſed by them without direction and warrant from any Aſſembly of the Kirk, yea, or Act of Parliament, whereby the entry to the*

Miniſtry is ſhut upon the beſt qualified, and others leſs able are obtruded upon the people, to their great grief and hazard of their ſouls: Our humble Petition therefore is, that all ſuch Oaths and Subſcriptions urged upon Miniſters at their entry or tranſplantation may be diſcharged.

6. Notwithſtanding there be Conſtitutions of the Kirk, and Laws of the Country for cenſuring of Miniſters before the ordinary Judicators Eccleſiaſtical; yet contrary to that Order, Miniſters are ſuſpended, ſilenced, and deprived, and that for matters meerly Eccleſiaſtical before other Judicators, which are not eſtabliſhed by the Authority or Order of the Country and Kirk: Therefore our humble Petition is, that Miniſters deſerving cenſure, be no otherwiſe cenſured than the Order of the Kirk doth preſcribe, and that ſuch as are otherwiſe diſplaced, be ſuffered to ſerve in the Miniſtry, as before.

The Preſenter attended in *Edinburgh* to compear, if need were, before ſuch as were to Convene to conſider the Articles and Petitions, which were given in to the Clerk Regiſter. But there was no appearance of any ſuch Convention. The Miniſters therefore directed the Brother above named to preſent the Supplication following to his Majeſty, which he did upon the fifteenth day of *June*, in the Caſtle of *Dalkeith*, the ſame day that he was to make his entry in *Edinburgh*,

This happy occaſion, with ſtrong deſires long waited for by your Majeſties moſt humble and loving Subjects the Paſtors and Profeſſors of the Reformed Religion within this your Majeſties Kingdom of Scotland. *The great fame, which hath often filled our Ears of your Majeſties moſt Pious and Princely inclination to Religion and Righteouſneſs, whence this Kirk and Kingdom from their ſingular intereſs in your Majeſties Birth and Baptiſm, have reaſon to look at this time for a comfortable influence: The Body of this Kingdom in heart joyning with us, and only waiting for the leaſt word from your Majeſties mouth: The Conſcience which we have, and which we truſt is manifeſt to all men that we are ſeeking neither Riches nor Honours to our ſelves, but that the ſum and ſubſtance of our deſires is to procure the advancement of the Kingdom of Jeſus Chriſt, and to ſee your Majeſties flouriſhing Eſtates in your Kingdoms: All theſe and each of them move us to intreat in all humility your Gracious Majeſty to be favourable to our Petitions, which we have delivered to the Clerk of Regiſter to be preſented to your Majeſty and Eſtates at the approaching Parliament, that they may be conſidered, and receive a gracious anſwer.*

The King read the Petition at length. Yet there was no more heard of our grievances either among the Lords of the Articles, or in open Parliament, where nothing cometh in voting, but that which firſt muſt paſs the Lords of the Articles, and uſually what paſſed through their hands is concluded by the whole Eſtates in publick. Not only were our grievances ſuppreſſed, but alſo all former Acts concerning the Kirk were ratified. Howbeit it was well known that ſundry former Acts had wrought great diſturbance in our Kirk. An Act alſo in particular concerning the common habits of Kirkmen, (not of Surplice, or other like ſuperſtitious Veſtures, as many miſtake) was ratified and made a point of the Royal Prerogative. Small hope had we of any better event, conſidering the dependance either of Noblemen upon the Kings favour for the recovery of their broken Eſtates, or of ſome other men for preferment, or the fear of others to loſe it, all knowing very well the Kings bent and inclination.

For the better clearing of the equity of our grievances, I will ſet down theſe few obſervations:

Great

Great oppoſition was made by many worthy men of the Miniſtry to Miniſters Vote in Parliament, Convention, or Council, and not without reaſon. When it was carried by Plurality of procured Voices in a general Aſſembly holden at *Dundee*, *Anno* 1597. againſt which and the two former Aſſemblies M. *John Davidſon* proteſted; the next care of the ſincere ſort was to have the Commiſſioner Voter in Parliament tied to a certain form of Admiſſion, and to ſome Cautions, that he degener not into a Roman or Anglican Biſhop.

He was to be recommended to his Majeſty, by the General Aſſembly, and to be admitted by the Synod as it then ſtood in integrity. The firſt two cautions ye have heard in the grievances. By the third, the Commiſſioner Voter in Parliament was bound not to prejudge the proviſion of other Kirks planted, or to be planted. By the fourth he was bound not to delapidat or diſpone any part of his Benefice without the advice and conſent of his Majeſty and the general Aſſembly, and to interdite himſelf to that effect. By the fifth, He was bound to attend faithfully upon his own particular Congregation, where he ſhall be Miniſter, in all the points of a Paſtor, and hereanent to be ſubject to the trial and cenſure of his own Presbytery and Provincial Aſſembly, as any other Miniſter that beareth not Commiſſion. By the ſixth Caution, In the Adminiſtration of Diſcipline, Collation of Benefices, Viſitation, and all other points of Eccleſiaſtical Government, he ſhall neither uſurp nor acclaim to himſelf any Power or Juriſdiction, farther than any of the reſt of his Brethren, under the pain of deprivation. By the ſeventh, That in Presbyteries, Provincial and general Aſſemblies, he ſhall behave himſelf in all things, and be ſubject to their cenſure, as any of the Brethren of the Presbytery. By the eighth, At his admiſſion to the Office of Commiſſionary, theſe, and all other Points neceſſary he ſhall ſwear and ſubſcribe to fulfil under the Penalties foreſaid, otherwiſe not to be admitted. By the ninth, In caſe he be depoſed by the general Aſſembly, Synod, or Presbytery from his Office of the Miniſtry, he ſhall loſe his Vote in Par *ipſo facto*, and his Benefice ſhall vaike.

Such as plotted the courſe of Epiſcopacy and aſpired to Prelacies were conſtrained for the preſent to condeſcend to theſe Cautions, but were not minded to ſtand to one jot of them longer than they ſaw occaſions to break looſe. Becauſe they were made countable by theſe Cautions to the general Aſſemblies, they procured firſt a Prorogation of the Diets of the Aſſemblies by the Kings Authority, and at laſt the bereaving of the Kirk of all liberty to indict any Aſſemblies, that ſo they might be freed from making any count at all. After they had gathered ſtrength and power to overrule Aſſemblies of their own deviſing, and after that ſome of the Miniſtry were baniſhed, others confined, a third ſort drawn up to Court, they procured a Convention at *Linlithgow*, *Anno* 1606. of Noblemen and Miniſters nominate by them, and recommended by the King to the Presbyteries to be ſent to that meeting. The name of a general Aſſembly was concealed in the Kings Miſſives. But ſoon after Presbyteries were charged with letters of horning to accept the conſtant Moderators choſen by that meeting, ſuch as were ſtiled vulgarly Biſhops in reſpect of their Benefices to be Moderators of the Presbyteries where they made reſidence. Synods likewiſe were urged to accept theſe Biſhops for conſtant Moderators, howbeit no ſuch thing was concluded at that meeting, but their Act falſified.

This moderation did not ſatisfie their ambitious humour, nor was it well accepted by Presbyteries or the Synods. In the year *1610*, they were armed with the power of the High Commiſſion, of which they were not capable, and without conſent of the Eſtates, contrary to an Act of Parliament, *Anno* 1584. to ſilence and deprive, fine and incarcerate Miniſters, to command them to excommunicate ſuch as in their judgment deſerved that Cenſure, and to fine and impriſon other whatſoever ſubjects, After that they become thus great and terrible, and now able to extort any thing from ſervile Miniſters, they procured an Aſſembly to be holden at *Glaſgow* ſoon after, like that other at *Linlithgow*, but that there was more Gold dealt among Mercenary Miniſters at this Aſſembly.

Soon after, three of their number went to Court to be conſecrate Biſhops, returned and conſecrated the reſt of their Fellows, no ſuch thing being concluded at that meeting as the Office of a Dioceſan Biſhop, Anglican or Roman, that is, to be the proper Paſtor of all the Congregations within the Dioceſs, the power of Ordination reſiding in him, and of Juriſdiction flowing from him. The Presbyteries and Synods were only tied to theſe who were called Biſhops in reſpect of their Benefices in the points, and in the manner expreſſed, and upon truſt that they ſhould be liable to the cenſure of ordinary and ſet general Aſſemblies. But they were not content with ſundry Articles of that Act, howbeit the Aſſemby was overruled by themſelves, and they conſented, to the end that the Miniſters there convened might be induced to yield ſo far as they did. Therefore when the Act was ratified, *Anno* 1612. they conſented in Parliament to Additions, Alterations, and Omiſſions of ſundry Clauſes, as no doubt they had deviſed themſelves before. In the year 1617. they conſented in Parliament to the Election of Biſhops by Deans and Chapters, which was inhibited by the Acts of the Aſſembly holden 1578. and condemned in the ſecond book of Policy as Popiſh. It was likewiſe far different from the form of Election and Admiſſion agreed upon with their own conſents in the general Aſſemblies. What was proponed in Parliament for their advancement was granted by the Eſtates, and conſented to by themſelves, as no doubt they had deviſed. So they were their own carvers.

In the end they brought in Popiſh Ceremonies to vex the Miniſters and Profeſſors. and to give them ſome other ſubject to work upon, then to meddle with themſelves, and their uſurped Authority.

Becauſe they are conſcious to themſelves of the nullity of their Aſſemblies, and fear to want the concurrence of Synods and Presbyteries, they draw Miniſters and Profeſſors before their Court of High Commiſſion. But if this Court were not fortified and aſſiſted by the Lords of ſecret Council, by whom it was firſt authorized, their power in the High Commiſſion would be little regarded. Our bondage then reſolves upon the Council.

Whatſoever be the Uſurpation of the Prelates, the Miniſtry and Profeſſors are not to be excuſed. Firſt, for acknowledging or not opponing to their Aſſemblies. For the ſafety of Religion dependeth not upon Aſſemblies of whatſomever kind, but upon the liberty of free and right conſtitute Aſſemblies. As in the Common-weal he were not to be thought a faithful Patriot, who would not ſtand as much for the Liberty of a Parliament as his own Poſſeſſions, becauſe the ſafety of all other Liberties ſtandeth in the preſervation of that main Liberty. Next, becauſe

cauſe they continue in ſubjection, notwithſtanding we have not the liberty of ordinary and ſet Aſſemblies to cenſure them according to the Cautions and Acts agreed unto by themſelves. Thirdly, becauſe they give further obedience than is required by the Acts of their own Aſſemblies, as if they had an abſolute power to direct and enjoyn as pleaſeth them. But the firſt is fountain of all our miſchief.

I have here ſubjoyned certain Propoſitions concerning Adoration before the bread in the Sacrament without the knowledge of the Author, who is known to be learned and judicious.

1. *Beſides that manifeſt and groſs kind of Idolatry, whereby Divine or Religious Worſhip is given unto the Creature in ſtead of God, there is another more ſecret and ſubtile ſort, which rendereth not Divine Worſhip unto the Creature as it is conſidered in it ſelf, but as it carrieth a certain relation and reſpect unto God, who is to be worſhipped for himſelf, and therefore is commonly called* Relative Worſhip. *The reformed Kirks convince the Papiſts of manifold Idolatry of this kind, and howſoever the Papiſts gather together many fig tree leaves to hide their nakedneſs, yet there is nothing more certain, than that both the Gentiles and Jews pleaſed themſelves in this ſort of Worſhip as may appear from* Rom. 1. 20, 23. Deut. 4. 12, 15. *and many other places.*

2. *As in the groſſer kind of Idolatry it matters not, as touching the point of Idolatry it ſelf, whether the object of Adoration, and that which we worſhip with divine honour, be the invention of our own head, or the Creature of God, as the Sun, Moon, or Stars, or made by our hands as an Image, or ſome thing ordained of God. And finally, whether it be a thing conſecrated or not, for the adoration of the Bread in the Sacrament is Idolatry, no leſs than the Adoration of the Sun in the Firmament. or the Adoration of an Image the work of mans hands.* "*For their Error is more tolerable who worſhip for* "*God a Statue of Gold or Silver, or an Image of any other matner, as the* "*Gentiles worſhipped their Gods, or a red Cloth lifted up upon a Spear, which* "*it reported of the* Lappians, *or living Creatures, as ſometime the Egyptians,* "*nor theirs who worſhip a piece of bread.* Coſter. Enchir. chap. 12. *In like manner, in the other ſort of worſhip which is relative, it is all one matter touching the point of Idolatry, whether the ſecondary or ſubordinate object of our Adoration, and that which participates of the Worſhip of God, be a thing natural, as the Sun or the Moon, or a thing Artificial, as an Image, or ſome thing ordained of God, but for another end, as the Brazen Serpent, or a thing Conſecrated of God, but not to be worſhipped, as the Sacramental Bread, for although there be a very wide difference amongſt thoſe thinge in reſpect of Will-worſhip; And becauſe nothing can be a mean of the Worſhip of God, but that which is ordained of God, and the Sacrament is a mean of Gods Worſhip, an Image is not a mean, yet in the point of Idolatry there can be no difference at all, becauſe no Creature of whatſomever kind can ſo much as take of the Worſhip of God without the guiltineſs of Idolatry.*

3. *We fall into two evils, when we adore before an Image, one is, when we make the Image a mean or middle of the Worſhip of God without a warrant from God, whence it is that Adoration before an Image is Will Worſhip; and although it had no other evil in it but this one, it behoveth to be (by interpretation, as they uſe to ſpeak, or by conſequence) Idolatry, for whoſoever appointeth of his own head a new manner or mean of Divine Worſhip, by conſequence alſo appointeth another God, which he thinks delighteth in that Form of Worſhip. The other evil is that Adoration before an Image is properly and formable Idolatry, becauſe thereby Religious Worſhip is rendred unto another than*

than unto God, and in ſome meaſure and degree the Image is made partaker of the Worſhip of God, which is cleared at large by the Divines of the Reformed Kirks. Now in our Adoration before the Bread we are free of the former of the two evils, becauſe the Sacrament is a mean of Worſhip authorized by God, but we cannot poſſibly be free of the other evil, becauſe the Adoration before the Bread, and before an Image are altogether alike in reſpect of the participation of Divine Worſhip. They who are enemees to Images (ſaith Vaſquez *in his ſecond Book of Adoration,* diſp. 8. c. 13.*) and uſe Images only for Hiſtory and remembrance, do not bow their knees, nor proſtrate themſelves before them: For ſo they ſhould adore them, with an external ſign of Worſhip. He who is religiouſly proſtrate before the Croſs (ſaith the Biſhop of* Spalato, Book 7. pag. 293,*) he muſt have the Croſs for the object of Adoration. Although Images were means of Worſhip ordained of God, ſuch as the Sacrament is, yet were it not lawful to Adore before them. And the Arguments whereby our Divines prove the Worſhip of Images to be Idolatry, aim not at this point to ſhew that Images are not lawful means of Worſhip, for that were nothing elſe but to prove that Worſhip before Images were Will-Worſhip, but they labour for this, that the Papiſts while they adore before Images, they give that unto the Creature which is proper unto God, and the Papiſts in this queſtion uſe not this defence, that Images are lawful means of Worſhip, but that the Worſhip of Images is relative, and reſolveth upon the patterns whoſe Images they are.*

4. *That we may have a further inſight in this truth, we muſt learn, as in other parts of Divine Worſhip, ſo in our Adoration before the Bread, to diſtinguiſh betwixt that which is internal in the mind, and that which is external in the ſenſes and geſtures of the body, or (as the Schoolmen ſpeak) betwixt the ſpirit of Adoration, which they make the inward affection of ſubjecting our ſelves to that which we adore; And the external mark or ſign of Adoration, which they alſo call the material part of Adoration, for ſuppoſe it were true that the whole thoughts and affections of the Soul were taken up, and exerciſed about the thing ſignified in the Sacrament, and that nothing were intended but to render the whole Worſhip unto God, yet the very nature of the Sacrament (which is well called the viſible word) of neceſſity doth require that our eyes, and therefore our geſtures, the bowing of our knees, and that whole material part of Adoration be directed toward the Elements in the Act of receiving, in ſo far that although the Elements were nothing elſe to the mind but only ſigns to bring us to the right remembrance of the thing ſignified, it cannot be eſchewed, but they muſt be the object of the outward Adoration of the body, which is directed toward them, and therefore Adoration before the Bread, muſt needs be the Adoration of the Bread, even as the Adoration before the Image, the Adoration of the Image, while the Image to his mind, that adoreth, is nothing elſe but a ſign, bringing the Pattern to his remembrance.*

5. *Since there be two kinds of Divine Worſhip, one immediate, as for example,* Prayer, Thankſgiving, the religious hearing of the voice of God ſpeaking to us immediately: *The other mediate, as the ordinary hearing of the Word, and receiving of the Sacrament. It is both lawful and ſutable to uſe the geſture of Adoration in Prayer, in Thanksgiving, and when we hear the immediate Voice of God, becauſe no viſible middle cometh in betwixt God and us that can be the Object of our Adoration: But in the ordinary hearing of the Word at the mouth of the Preacher, and in the act of receiving the Sacrament, it is neither ſuitable, nor lawful to adore, for that were to adore in a mediate Worſhip, or to adore mediately, which both by force of truth, and confeſſion of both ſides muſt be Idolatry.*

6. *It*

6. *It is therefore unlawful to adore before the bread, or to kneel in the very act of receiving the Sacrament, not only by reaſon of the danger of Bread-worſhip, wherein the Bread is adored inſtead of Chriſt by the ignorant multitudes, neither is it only unlawful, becauſe it is Idolatry to adore before the bread for reverence and due regard of the Sacrament, which cannot be avoided by them who adore according to the meaning of the Article of* Perth *Aſſembly; But it is alſo unlawful, becauſe Adoration before the Bread, even in the very nature of the action it ſelf, is Idolatry, neither is it poſſible for any man to make his Adoration before the bread not to be Idolatry, except he will take away the Element, that is, the Sacrament it ſelf from the Sacrament, which is impoſſible.*

7. *And therefore they are to be commended, who far from all Idolatry, and from all peril and appearance of Idolatry, do ſit or uſe an ordinary Table-Geſture in the Supper of the Lord: Since neither the Evangeliſts, nor the Apoſtle* Paul *have written ſo much as one word, which may give the leaſt ſuſpition, or ground of conjecture, that Chriſt and his Apoſtles did change their ordinary and common form of ſitting at Table: Since it is certain from the whole frame of the Inſtitution, that the Supper of the Lord was an holy Feaſt or Banquet, and ſince by ſo doing the whole Inſtitution of Chriſt, which is very many ways defaced by kneeling, is keeped ſafe and ſound. It is not far from blaſphemy (ſaith* Paræus*) to ſay, that the Kirk hath with greater wiſdom made any change in the Euchariſt, for what were that but to ſay, that the Kirk is wiſer than Chriſt himſelf, as if he had not known well enough, what was able to procure greateſt reverence to the Sacrament, or what ſhould carry with it the leaſt peril, which is a Blaſphemy worthy of the followers of Antichriſt.*

Mr. *William Cowper*, Miniſter at *Perth*, his Letter, written before he was Biſhop of *Galloway*, to Mr. *George Graham*, Biſhop of *Dumblane*, Anno 1606.

Brother,

I Have received your commendations from B. which were needleſs, if you had kept your wonted heart. As for me, I never hated you, your courſe wherein ye are entered I never loved. Although the fruit ye enjoy be ſweet, yet the end ſhall prove it never grew on the tree of life. Doing in a work of Conſcience with doubting turneth light in darkneſs, whereupon followeth induration. Whereof it followeth that many in our Kirk without feeling are Courſers againſt their Brethren, that have done more good in the Kirk for edification of others than ever themſelves did, having neither eyes to ſee, nor hearts to feel how dangerous their eſtate is, who cannot riſe but with the falling of many who in God have entered this Miniſtry, cloſing the Fountain that God hath opened. One of your own told me, long ere the laſt Miniſters went to England, *that they were written for to Reaſon, but the end proved Priſon, and no appearance of returning to ſome of them. Theſe are the firſt fruits of your preferment. Here ye ſtand, and therefore I cannot ſtand with you, except it be to witneſs to God in mine heart againſt you, that ye have gone wrong. Ye hope in this courſe to do good, but it is hard for you to work miracles: At leaſt he will hold of evil: But how ſhall ye draw in a yoke with them that are drawing on evil dayly. Ye will not go beyond the Caveats of the general Aſſembly. But the anſwers given to the Commiſſioners of the Kirk at the laſt Parliament by the Chancellour*

Chancellour (we enter not Biſhops according to an Act of the Aſſembly, but according to that which they were were an hundred years ſince) detexis fraudem. *I heard it given, and ſo did the chief of themſelves,* A. B. C. *ye skar at them whom ye were blyth to ſee, ye like not the light ye loved, ye count theſe Preachings unpleaſant, wherein ye were wont to rejoyce. Theſe may tell you ye have fallen. Conſider your ſelf, where ye was, where ye are now,* & quantulum illud fit propter quod nos reliquiſti. *Thus loving your ſelf, and not your way, I end.*

Mr. *Gawin Hammilton,* Biſhop of *Galloway,* was ſent up to Court by the reſt of the Biſhops, after the Convention of the Eſtates, which was holden about the end of *January* 1609. I have here ſet down the Inſtructions or Memorials recommended to him by the reſt of the Biſhops, written by Mr. *John Spotſwood,* then pretend it Biſhop of *Glaſcow,* and ſubſcrived by him in the name of the reſt.

Memorials to be proponed to his moſt excellent Majeſty.

1. *YOu ſhall relate the proceedings of the late Convention, and what affection ſome that were preſent keithed therein, that his Majeſty may be forſeen with mens diſpoſition, for the better choice of thoſe to whom the affairs ſhall be concredited.*

2. *You ſhall remember the care we have had of reclaiming the Marqueſs of* Huntly, *and the Earl of* Arral *from their errors, and the ſmall profit we have ſeen thereof, and inſiſt for his Majeſties favour to the Petition of our Letter.*

3. *Anent the Miniſters that are confined, your L. ſhall excuſe the requeeſt made by us in ſome of their favours, ſhewing how it proceeded, and further declare that of late they have taken courſe to give in ſupplications to the Council for their enlarging to a certain time, for doing their particular buſineſs at Seſſion and otherwiſe in the Country, and that ſome of them have purchaſed licence by the Votes of the Council, albeit we opponed. Therefore beſeek his Majeſty to remember the Council, that the confining of theſe Miniſters, was for faults done by them to his H. ſelf, and that they ſhould be acknowledged and confeſſed to his Majeſty and his H. pleaſure underſtood therein before the grant of any favour, otherwiſe they ſhall undo all that hath been hitherto followed for the peace of the Kirk.*

4. *Touching the erections, it is our humble deſire to his Majeſty that the Noblemen, in whoſe favours the ſame have been paſt, may take order for the proviſion of their Kirks, according to the conditions made in Parliament, or then diſcharge their erections: Which ſeems beſt to be done by an Act of this enſuing Seſſion of Parliament, for which his Majeſties Warrant would be had. And ſome ſuch like courſe would be taken for the Prelacies erected, which have paſt alſo the conſtant Plat, that the preſentation of Miniſters to the modified ſtipends at the vacanty of the Church ſhould be in his Majeſties hand, whereunto though his Majeſties expreſs commandment was given of before, no heed was taken by ſuch as had the charge of affairs.*

5. *Since*

5. *Since this matter of the Commiſſariats importeth ſo much to the reformation of our Church Government, as this being reſtored in a little time, the reſt may be ſupplied which will be wanting, it ſhall be good to remember it by a ſerious Letter to my Lord of* Dumbar, *that we may know in due time what is to be expected. And ſince our greateſt hindrance is found to be in the Seſſion, of whom the moſt part are ever in heart oppoſite unto us, and forbear not to keith it when they have occaſion, you ſhall humbly intreat his Majeſty to remember our ſute for the Kirkmans place, according to the firſt Inſtitution, and that it may take at this time ſome beginning, ſince the place vacant was even from the beginning in the hands of the ſpiritual ſide with ſome one Kirkman or other till now, which might it be obteined, as were moſt eaſie by his Majeſties direction and Commandment, there ſhould be ſeen a ſudden change of many humours in that eſtate, and the Commonwealth would find the profit thereof.*

6. *Anent our Conference with the Miniſtry, your L. will declare the time that is appointed, and reaſons of the continuation of the ſame.*

7. *Becauſe in the time of Parliament chiefly, it ſhould be expedient to have the Biſhops to teach in the Pulpits of* Edinburgh, *his Majeſty would be pleaſed to commend this to my Lord of* Dumbar *by a particular Letter, and to require alſo the Miniſters of* Edinburgh *to deſire their help at that time, if it were for no other end, but to teſtifie their unity and conſent of minds to the Eſtates.*

8. *Becauſe the Kirk of* Leith *lieth deſtitute in a ſort through the Biſhop of* Roſſe *his age, and the impriſonment of Mr.* John Murrev, *and that the ſaid Mr.* John *is no ways minded, as appeareth, to give his Majeſty ſatisfaction, neither were it meet, in reſpect of his carriage, that he ſhould return to that Miniſtry, and to inſiſt in his deprivation with the Commiſſioners might perhaps breed us a new difficulty, if his Majeſty ſhall be pleaſed, we do hold it moſt convenient for the Errand, that the ſaid M.* John *be convened before the Council by his Majeſties command, and by them charged to waid in the Town of* Newabbey, *and ſome miles about, having liberty to teach that People, among whom he ſhall find ſome other ſubject to work upon than the ſtate of Biſhops. And for the proviſion of* Leith, *that his Majeſty would be pleaſed to command the Presbytery of* Edinburgh, *in regard of the Biſhop of* Roſſe *his age, and the ſaid M.* Johns *tranſportation by his H. appointment, to have care that ſaid Kirk of* Leith *be planted with all convenient diligence by M.* David Lindſey, *ſometimes Miniſter at* Sant Andrewis, *for whom both the people is earneſt, and we may have ſufficient aſſurance to his Majeſties ſervice. And in caſe the ſaid Presbytery prove wilful, that another Letter to the ſame effect may be ſent to the Commiſſioners of the General Aſſembly, who may take order to ſee that matter ended, if ſuch ſhall be his Majeſties pleaſure, and this would be done with all diligence convenient.*

We cannot but remember alſo the miſorder keeped in the Country, that once was happily repreſſed, wearing of Guns and Piſtols, and humbly beſeech his Majeſty that ſome new courſe may be eſtabliſhed for ſearching of ſuch perſons, and delating of them to the Counſel, that they may be puniſhed, and the Theſaurer may have commandment to make choice in every Country of certain that ſhall be thought fitteſt to ſearch, who ſhall be known only to his L. ſelf, and ſatisfie them for their pains, to the end this inſolence may be reſtrained. Particularly it would be forbidden in the granting Commiſſions, that this liberty be not permitted, for this is one of the cauſes of their ſo open dealing, as ſaid is.

Theſe particulars, your L. would have care to propone to his Majeſty at ſome fit time, and ſee the anſwers thereof diſpatched accordingly.

Glaſgow by the warrant and at the deſire of the reſt of my Lords the Biſhops.

Mr. *George Glaidſtones* ſent this Letter following to the King in *Auguſt* 1612. whereby the Reader may perceive what were their Plots and preparations before the Parliament following in *October*, where the Act of *Glaſgow* was ratified, or rather altered.

Moſt gracious Soveraign,

AS it hath pleaſed your Majeſty to direct me, and my Lord your Majeſties Secretary for adviſing anent our Affairs to be handled in this approaching Parliament, ſo happily did I find him, and my Lord of Glaſgow *both in this Town, and convened them both immediately after mine arriving, and with good adviſement we have made choice of theſe things which are moſt neceſſary, and have omitted theſe Articles which may ſeem to carry envy or ſuſpition, or which your Majeſty by your Royal Authority might not perform by your ſelf. But we all hold faſt this concluſion, that it is moſt neceſſary and convenient, both for your Majeſties Service, and weal of the Church, that the day,* viz. *the twelfth of* October *ſhall hold preciſely, to the which the Parliament was Proclaimed upon the twenty fourth of this inſtant. I will aſſure your Majeſty that the very evil will, which is carried to my Lord Chancellor by the Nobility and People, is like to make us great ſtore of friendſhip, for they know him to be our profeſſed enemy, and he diſſembled it not. I thank God, that it pleaſed your Majeſty to make choice of my Lord Secretary to be our Formaliſt, and Adviſer of our Acts: For we find him wiſe, faſt, and ſecret. We ſhall not be idle in the mean time to prepare ſuch, as have vote to incline the right way. All men do follow us, and hunt for our favour, upon report of your Majeſties good acceptance of me and the Biſhop of* Cathnes, *and ſending for my Lord of* Glaſgow, *and the procurement of this Parliament without advice of the Chancellour. And if your Majeſty will continue theſe ſhining beams, and ſhowes of your Majeſties favour, doubtleſs the purpoſe that ſeems moſt difficil, will be facilitate to your Majeſties great honour, and our credit, which if it were greater than it is, your Majeſty could receive no intereſſe. For beſides that no Eſtate may ſay, that they are your Majeſties Creatures as we may ſay, ſo there is none whoſe ſtanding is ſo ſlippery, when your Mayeſty ſhall frown as we: For at your Majeſties nodd we muſt either ſtand or fall. But we refer the more ample declaration of theſe purpoſes, and other points of your Majeſties Service, to the ſufficiency of my Lord of* Glaſgow, *and my good Lord Secretary, the fourteenth Biſhop of this Kingdom. But my Lord of* Glaſgow *and I am contending, to which of the two Provinces he ſhall appertain. Your Majeſty, who is our great Archbiſhop, muſt decide it. Thus after my moſt humble and hearty thanks for your Majeſties good acceptance, and gracious diſpatch lately which hath filled the Ears of all this Kingdom, I beſeech God to heap upon your Majeſty the plenty of all ſpiritual and temporal bleſſings for ever, I reſt*

Edinburgh the laſt of *Auguſt* 1612.

Your Majeſties moſt humble

Subject and Servitour

S. *Andrewis.*

Mr. *William*

Mr. *William Struther* one of the Miniſters of *Edinburgh*, and a Conformitane, howbeit he was content to accept a fat Biſhoprick, yet was content in end to forgo the lean Ceremonies to live in the greater eaſe and peace, as this Letter following, directed to the Earl of *Airth*, to be preſented to his Majeſty, teſtifieth.

My very good Lord,

I *Viſit your L. with this Letter, and that for the end which I ſpoke more largely in conference, ever for the peace of this poor Kirk, which rent ſo grievouſly for Cerimonies. There is alſo ſome ſurmiſes of farther Novations of* Organs, Liturgies, *and ſuch like, which greatly augments the grief of people, but the wiſer ſort aſſure themſelves of his Majeſties Royal Wiſdom and Moderation, that his Majeſty would impoſe no new thing, if his Majeſty were timouſly informed of theſe, and the like reaſons.*

1. *Becauſe King* James *of happy memory, made the Marqueſs of* Hammilton *promiſe in his Majeſties name to all the Eſtates of this Land ſolemnly in face of Parliament, that this Church ſhould not be urged with any moe Novations than theſe five Articles, that then were preſented to the Parliament, upon which promiſe the Parliament reſted, and gave way the more chearfully that theſe Articles ſhould paſs in Act of Parliament.*

2. *Next, becauſe the motion, that is ſaid to be made to his Majeſty of theſe Novations, is made by and beſide the knowledge and conſcience of the Kirk of this Land, who are heavily diſpleaſed for that motion, and more becauſe it is alleaged to have been in their name, who knows nothing thereof but by report.*

3. *Becauſe our Church lies already groaning under two wounds, the firſt of the erection of Biſhops, the other of Kneeling. But if a third be inflicted, there is no appearance but of a diſſipation of this Church. In the firſt, people were only anlookers on Biſhops ſtate. The ſecond touched them more in celebration of the holy Sacrament, but yet leaſt arbitrary to them. But the third will be greater, becauſe in the whole body of publick Worſhip they ſhall be forced to ſuffer Novelties.*

4. *Becauſe the Biſhops are already* publici odii victimæ, *and born down with contempt, and that vexation is intolerable, when they depoſe any Brother for not conformity, they ſcarcely can find an expectant to fill the empty place, and that becauſe they become ſo odious to the Flock, that they can do no good in their Miniſty. But if any further Novation be brought in, the Biſhops will find ten for one to be depoſed, and that of thoſe who have already given obedience to the five Articles, who will rather chuſe to forſake their places, then to enter in a new fire of combuſtion.*

5. *Laſtly, becauſe it is obſerved by ſuch as are Judicious, that the former Schiſms have ſhaken the hearts of the People in Religion, and hath produced* odium Vatinianum *among Brethren, Popery is encreaſed in the Land, and if any further come in, it will be ſeen, that univerſally people will be made ſuſceptible of any Religion, and turn Atheiſts in groſs.*

Your L. knows I am not one of thoſe who ſtand out againſt order, but do ſuffer for mine obedience, and therefore the more boldly I ſuggeſt theſe reaſons unto your L. I dwell in the moſt eminent part of this Land, and ſo I have occaſion to ſee more what is the fruit of a Schiſm. I profeſs an unſpeakable grief to ſee any thing done that may trouble the peace of a Church, and divide the hearts of a good people from a good King. Our fire is ſo great already, that it hath more need of water to quench it, than oyl to augment it.

Edinburgh *the* 28 *of* January 1630.

The Lord Keepers Speech in the Star-Chamber *at ſuch time as he delivered the Judges their Charge from his Majeſty before they went their Circuits,* Anno 1638.

My Lords the Judges,

HIS gracious Majeſty ever ſtudious and careful of the weal of his people, remembring the Term being now at an end, and that the Aſſizes draw near for you the Judges of the Realm to depart into your Circuits, and to divide your ſelves into all the parts of the Kingdom, and therefore hath required, that according to the uſual cuſtom in former times, ſomething ſhould be ſaid unto you in this place, that your ſelves may know and acknowledge to others the ſingular care and zeal of his Majeſty, for the maintenance of Religion, Juſtice, and Government throughout his Kingdom. The ſervice and performance of your Circuits, in the minds of ſome, obtains no further place, but only as a matter of Courſe, but they would ſoon change their minds if they wanted it but a while, and through the wiſdom and deep Judgment of his Majeſties Circuits in *England*, have place as one of the chiefeſt ways of Peace and Government, and upon a juſt and ſure ground, for by the Circuits comes an infinite eaſe to the Subjects both for travel and charge, to have publick Juſtice in all parts of the Kingdom diſtributed to men at home, even at their own doors as it were; The Circuits of the Juſtices of Aſſize, did ſucceed the ſeat of the Juſtices in *Oyer*, and by their trial and experience thereof ſo long, it is found ſo much better to the condition of the Government of this Kingdom, as that they have antiquated the form.

I have often ſpoke unto your Lordſhips in this place of many particular things examinable in your Aſſizes and Circuits, and therefore I may well both for your eaſe and my own forbear now any long diſcourſe, and contain my ſelf to ſome few particulars.

Religion requires the firſt place, for it is bruited, that Recuſants in many parts of the Kingdom do exceedingly encreaſe, which I am ſorry and unwilling to believe if but for your ſakes; For I do not well ſee, if it be true, how the Judges of the Realm will be eſteemed blameleſs, for ſure I am that from his Majeſty in this place you have been conſtantly and continually called upon; And therefore if they encreaſe ſo much in your Circuits, and ſo little in the Kings Treaſure, certainly there is a fault, that there is ſo few convicted: Beſides your ſelves, others owe a duty to their conviction, but they are ſubordinate, the Juſtices of Peace they bear a great ſway in this buſineſs; certainly from them, the Service receives ſtronger or weaker proſecution.

This I hold more ſeriouſly to be conſidered in this time, becauſe it is ſaid, and I am afraid too truly, that many men Popiſhly affected indeavour to pervert others, or deceive them for worſe ends; they do not ſtick to ſay, that the Biſhops and Prelates of our Church of *England* are inwardly affected that way, and they do not ſpare the Sacred Perſon of the King himſelf, but give out that the King in heart is a Papiſt, by the Statute

Statute of 2 *R.* 2. theſe are ſtiled to be horrible and falſe lies, of which great peril and quick deſtruction may enſue to the whole Kingdom; and therefore to the ſingular honour of his Majeſty, the bleſſed comfort to his Subjects well affected, and Terrours of ſuch as caſt ſuch aſperſions upon him, or the Prelates of the Kingdom.

An exemplary and remarkable piece of Juſtice hath this Term been done in this Court upon one *Pickering*, a *Shropſhire* man, for ſuch a Scandal againſt the King; he was brought from thence by Maſter Attorney to be here proſecuted againſt, though not in an ordinary way, but by the Kings own and immediate direction, and therefore held it my duty to make this mention of it here, that you may mention it in all places in your Circuits, and beat down thoſe ſcandalous rumours, that all men may know the ſincerity of the Kings heart, and how he doth diſtaſte all backſliding in Religion.

Next to the caſe of Religion, I am to put you in mind of the diſcovering and apprehending of Felons and other Capital Offenders, and of doing juſtice between party and party in all cauſes that ſhall come before you in your Circuits, his Majeſty doth expect a due and careful execution of Juſtice, according to the duty you owe to God, his Majeſty, and your Country.

But I may not forbear to mention a particular which I have often given you in charge, concerning the Kings Printed Orders, above eight years ago, wherein excellent rules are ſet down for the repreſſing and puniſhing of Vagabonds, imploying of Houſes of Correction, abridging of the number, and reforming the abuſes of Ale-houſes and Tipling-houſes, binding of Apprentices, and ſetting of work of poor People: Of theſe the Sheriffs and Juſtices of Peace were to give an account to you the Judges of the Realm, and you to render your account to the Council Board, wherein you have failed to do as it was expected from you: Therefore I am to put you in mind that a more exact account will be required from you herein, and therefore be more careful to call on the Sheriffs and Juſtices of Peace, that you may return an anſwer thereof to the King and State.

There is a great and general complaint at this time of Rates and Prizes, to which all things are enhaunſed in Corn, Hay, Cattel, Victuals, and all other things appertaining to the food or uſe of man. The time hath been when the Court of Kings Bench, and the Juſtices of *Oyer*, who are next unto the Juſtices of Aſſize, took theſe things to heart; there was never more need of a reformation in this kind than now, though in ſome things it may be attributed to Gods puniſhment upon us by unſeaſonable weather in the laſt and ſome former years, yet without doubt the greateſt part of it cometh from the malice and hard-heartedneſs of men, from Ingroſſers and foreſtallers; that do it to keep up the Markets for their own advantage. There can none ſo well give remedy to this as you the Juſtices of Aſſize, and the Juſtices of Peace ſhould take care of this for their own Commodity and Benefit, methinks that ſhould prevail with them, though it were not for the publick good. The Major that hath the Clerkſhip of the Market ought to ſeek this reformation, he hath it by Charter, but a great many of the Deputies under them take more care for their Fees, than to look to the duty of their Places, therefore it behoves you the Juſtices of Aſſize to take ſome pains to reform theſe abuſes.

One thing more I am to inſiſt upon, you have formerly received admonition from the King and Council Board, that care be taken that equal

Rates

Rates throughout all your Circuits be made on the Kings Subjects; This is a thing worthy of his Majesties care and your endeavour, it is a heavy thing that in cases of publick Services, that those that are rich should put off all from themselves, and lay it upon the poor and friendless, that is the general case, whether for the levying of men, providing of Munition, *&c.* generally I find the Landlord finds a way to ease his own Demeasn, and lays the Burden upon his Tenant, and the rich man upon his poor Neighbours; I know well you have given this in charge to the Justices of Peace in your Circuits; But for all I see, it is followed so slowly in the Country, as if it were a thing not fit the undertaking, and so it vanisheth, but his Majesty will not be so satisfied, for every day at Council-Board Petitions come and complain of their great grievances in being so unequally taxed. And therefore his Majesty doth require, that I should declare in this place, and command in his Majesties name, that you proceed heartily and quickly in this service, that his Majesty may receive a speedy account of it.

I might speak many things more, but I know to whom I speak, you know them before I speak them. Therefore for all other things that shall fall out to be examinable, or enquirable in your Circuits, as his Majesty leaveth them, so do I, to your Wisdoms and Judgments; and I do heartily pray, that both his Majesty may receive honour, and his People a comfort, by the performance of your service.

The

The Argument of Mr. Juſtice Hutton.

28. *Aprilis Anno* 14. *Car. Regis Anno Dom.* 1638.

A *Scire Facias* brought by the Kings Majeſty in the *Exchequer* againſt *John Hampden.* *Bucks ſſ.*

The Caſe upon the Pleading appears to be this.

THe Kings Majeſty, by his Writ under the Great Seal of *England*, bearing date the fourth day of *Auguſt*, in the Eleventh year of his Reign, directed to the Sheriff of the County of *Bucks*, and to the Bailiff and Burgeſſes of the Borough and Pariſh of *Buckingham*, and to the Mayors of divers particular Towns in the ſaid County of *Buckingham*; and to all honeſt men in the ſame, and in all the Towns, Villages, and places in the ſaid County, ſendeth greeting: Reciting, that where he is given to underſtand, that certain Robbers, Pirates, and Spoilers by Sea, as well enemies to the name of Chriſtians, as Mahometans, and others being aſſembled together, not only to take and ſpoil our Ships, and the Goods and Merchandizes; but alſo the Goods and Merchandizes of the Subjects of our friends upon the Sea (and which had of old been uſed to be defended) at their pleaſures, and to take and carry the men in thoſe Ships into moſt miſerable Captivity, and there keep them.

And the King doth ſee that they daily provide Ships to vex our Merchants, and grieve our Kingdom, unleſs ſpeedy remedy be provided therein: And conſidering the perils which in theſe times of War are every where imminent.

The King for the defence of the Sea, the ſecurity of his Subjects, the ſafe conduct of the Ships, and Merchandizes, being willing (by Gods aſſiſtance) to provide, the rather for that he and his Progenitors, Kings of *England*, have been Lords of the Sea.

And where this charge of publick defence which concerneth all, ought to be ſupported by all, as by the Laws and Cuſtomes of this Realm of *England* it had been done.

Therefore the King by his Writ commanded, that a Ship of War of the burthen of Four hundred and fifty Tuns, fitted and furniſhed with all things neceſſary for War, and one hundred and eighty men able and ſufficient Victualled, and this to be done before the firſt of *March*: And then at that time to come, ſo prepared, furniſhed, and victualled, for the ſpace of twenty ſix Weeks then next following, and with Wages for ſo many Men of War for that time, to *Portſmouth*, into the company of ſuch other Ships of our Subjects, and our own as ſhall be there, under the government of ſuch a man, to whom before that day we ſhall commit the cuſtody of the Seas; and to go from thence with the King's Ships, and the Ships of other our faithful Subjects, for the defence of the Sea, and the repulſing and overcoming of any whatſoever, which ſhall moleſt and hinder the coming in, or going out of our Merchants, or others upon the Seas.

A power is given by the Writ to the Sheriff, and to the Mayors, and any two of them for Corporate Towns, whereof the Sheriff to be one, to aſſeſs what Sums the Mayors and Corporations ſhall pay towards this charge; if they do not, then to be done by the Sheriff alone.

A general power to the Sheriff, to aſſeſs all the Inhabitants of all other Towns, Villages, Hamlets, and places, and the Ter-tenants, other than ſuch as ſhall have a part of the ſaid Ship, or ſhall ſerve in the ſaid Ship, to contribute towards the neceſſary expence for the proviſion of the premiſſes, upon every man according to his Eſtate and faculty: And ſuch portions ſo to be aſſeſſed upon them, to levy by diſtreſs, or other due means.

A Power to name Collectors.

And a Power to commit to Priſon all ſuch as the Sheriff ſhall find rebellious, or contradicting the premiſſes; there to remain until the Kings Majeſty ſhall think fit to give order for their enlargement.

This Writ is dated *Martii Anno* 12 *Car.*

And by vertue of this Writ, Sir *Peter Temple*, then Sheriff of the ſaid County, did aſſeſs upon the Defendant twenty ſhillings, towards this charge, which was after allowed by the ſucceeding Sheriff, Sir *Henry Proby*, and the Defendant was required to pay it, but refuſed.

And then by a *Certiorari* out of the Chancery directed to thoſe Sheriffs, which had been Sheriffs betwixt the fourth day of *Auguſt*, in the Eleventh year, and the firſt of *March* then following, to certifie what Sum of money had been aſſeſſed upon the Defendant for contribution.

They certified the ſaid Sum of twenty Shillings.

The Writ of *Mittimus* bears date the 5. of *May. Anno* 13 *Car. Regis*

Then by a Writ of *Mittimus*, out of the Chancery, bearing date the fifth day of *May*, in the thirteenth year of the Kings Majeſties Reign, the Writ of 4. *Auguſti Anno undecimo Car.* And the Schedule returned into the Chancery, whereby the Defendant was ſo aſſeſſed, are ſent into the Exchequer, to proceed againſt the Defendant, for the levying of the Sum of Twenty Shillings, which he hath not paid, and proceed there to do that which of right, and according to the cuſtom, ought to be done for the levying thereof.

In this Writ of *Mittimus* it is contained, that the Writ bearing date the fourth of *Auguſt*, *Anno* 11. *Car.* was granted for the defence of the Realm, the ſafeguard of the Sea, the ſecurity of the Subjects, and for that the ſafety of the Kingdom was in danger.

But theſe cauſes are not expreſſed in the Writ, but other particular cauſes.

And upon the tenours of theſe Writs, depending in the Chancery, thus ſent into the Exchequer; this Writ (of *Scire fac'.*) is awarded, bearing date the twentieth day of *May*, in the thirteenth year of the King's Majeſties Reign, againſt the ſaid *John Hampden*, to ſhew what he hath to ſay for himſelf, why the ſaid Sum ſo aſſeſſed upon him and not paid, ought not by him to be ſatisfied, and to do further what that Court ſhould think fit to order.

To which Writ the Defendant appeared in *Trinity* Term, and prayed the ſight of the Writ of the fourth of *Auguſt*, and the *Certiorari*, and the *Mittimus*, and they are all entred (*in hæc verba.*)

Whereupon

Whereupon the Defendaut did demur generally.

And Mr. Attorney General joyned in Demurrer, and the Record being read there and opened, the Court did adjourn it into the Exchequer Chamber, before any Argument there at the Bar.

The ſole Queſtion is, Whether this Scire Facias *doth lie or not.*

And I am of opinion that it doth not lie, but that Judgment ought to be given for the Defendant, both for the matter, and the manner of this proceeding.

And to the intent that whatſoever I ſhall ſay, may the better be underſtood; I will obſerve this order in my Argument.

Firſt, I will prove by ſeveral Acts of Parliaments, and by ſome Authorities in Books, and by ſome Reaſons, that the Kings Majeſty cannot at this day, impoſe any ſuch charge in general upon all his Subjects as this is, without their conſent in Parliament.

Secondly, I will give anſwer to ſuch Objections as have been made by the Kings Council, and by ſome of my Brothers againſt theſe Statutes, and to ſuch Caſes as they have applied to prove the contrary.

Thirdly, I will anſwer thoſe precedents, which have been inſiſted upon, to prove that the like charge hath been before impoſed by the Kings Progenitors, Kings of this Realm; And I will ſhew ſome precedents of more force to the contrary.

Fourthly, I will inſiſt upon the diſuſe of the attempt of impoſing any ſuch general charge, by this way, at any time ſince the beginning of the Raign of King *Henry* the Fourth, which is almoſt two hundred and fifty years ſince: And many other courſes and kinds of attempts, for levying of moneys: And this way not attempted till of late.

Fifthly, I will inſiſt upon the Writ of 4. *Auguſti Anno* 11. *Car.* That the matter therein compriſed doth not contain ſufficient Warrant, for the levying of ſuch contribution. And that the matter which is added in the *Mittimus*, cannot ſupply or make the Writ of 4. *Auguſti* ſufficient: And that the *Scire facias* it ſelf is inſufficient.

Laſtly, I will give ſome Anſwer to that which heretofore was objected by Mr. Solicitor: That the Judges had formerly by a ſubſcription to ſome Propoſitions, which they were required to anſwer, his Majeſty (as he conceived) reſolved this point already.

My Brother *Jones* hath been long, and I will obſerve my own method, and Anſwer him by my Argument; And I will contract that which I have to ſay, in as ſhort a manner as I can.

And for the firſt Point and Reaſon, which I do inſiſt upon, is, that this power to charge the people of this Realm at this day, by the King only, is taken away, bounded and limitted by divers Acts of Parliaments, to be done by conſent of the Subjects, and only in Parliament.

Firſt, By the Statute of *Magna Charta* it is enacted that no Freeman ſhall be taken, or impriſoned, or diſſeiſed of his Freehold, or of his Liberties or Free Cuſtoms, or Outlawed, or Exiled, not by any means deſtroyed; neither will we come upon him, or ſend him to Priſon, but by lawful judgment of his Peers, or by the Law of the Land.

Anno 9. Hen. 3. Magna Charta cap. 29.

This Statute, as appears by the *Inſpeximus* of King *Edward* the Firſt, Son of King *Henry* the Third, was made of the free good will of the King, for the good of the Church, and for the Amendments of the Kingdom.

See the Laſt Chapter of *Magna Chart.* cap. 38.

And if you look upon the laſt Chapter of *Magna Charta*, *Cap.* 38. the King grants, that he and his heirs will, for what concerns him, well obſerve and keep the ſame in his Kingdom, and will that as well Clerks, as Lay-men ſhall obſerve the ſame: And this was not done for nought, for the Clergy and Communalty, did give to the King for theſe Liberties, the fifteenth part *omnium mobilium*, as appears in the ſame Chapter.

And further in the ſaid Chapter it is contained, that the ſaid King, for him and his Heirs did grant, that neither he, nor his Heirs ſhould do any thing, nor procure to be done any thing whereby theſe Liberties thus granted might be infringed or diminiſhed: And that if any thing were done by any other to the contrary, it ſhould be void, and held of no force; See the Statute.

Statute of 25 *Edw.* 1.

And then King *Edward* the Firſt his Son, in the five and twentieth year of his Raign, the very firſt Chapter of that Parliament, confirmed the Charter of *Magna Charta*, for the honour of God, and of the Holy Church, and profit of that Realm, with Writs to all Juſtices, Sheriffs, and others, that they cauſe the ſaid Charter of Liberties to be publiſhed: And to declare to the People, that we have confirmed them in all points; And that Our Juſtices, Sheriffs, and other Miniſters, which under us have the Laws of our Land to guide, ſhall allow the ſame. That is, to wit, the great Charter, as the Common Law, and the Charter of the Foreſt, for the wealth of our Realm.

And where my Brother *Berkley* did ſay in his Argument, that the words of the Statute of *Magna Charta* were, *quod habeant libertates ſuas*, but that there were no particular liberties: To that the Anſwer is eaſie, for it is in the Preamble, and the firſt Chapter, *Habeant libertates ſubſcriptas tenendas in Regno noſtro Angliæ tenend. eis & hæredibus ſuis, imperpetuum.* And it cannot be denied but that the Clauſes of the Writ of 4. *Auguſti*, which gives not only power to deſtrain, but if any be rebellious or contrariant to the premiſſes, to commit them to Priſon, there to remain until the Kings Majeſty ſhall for their deliverance think fit to order other ways, are directly contrary to the expreſs Letter of this Statute of *Magna Charta*, and ſo conſequently againſt the Law of the Land: For this Statute is made by the ſaid Statute of the five and twentieth of King *Edward* the Firſt, the Law of this Land.

This Statute of *Magna Charta* hath been ever ſince, and now is put in uſe for the great priviledge of the trial of the Peers of this Realm for Treaſon or Felony, For there [*Peers*,] is grounded upon the words of this Statute (*viz.*) *Per legale judicium Parium ſuorum*, as you may ſee in *Stamford* in his Book of the Pleas of the Crown, *fol.* 152.

Stamford, fol. 152. 25 *Edward* 1. cap. 5.

Then by the ſtatute of 25 *Edw.* I. *cap.* 5. It is Enacted, " And foraſ-
" much as divers people of our Realm are in fear, that the Aids and
" Taxes, that they have given to us before-time towards our Wars, and
" other buſineſs, of their own grant and good will, howſoever they were
" made, might turn to a Bondage to them and their Heirs, becauſe they
" might be at any other time found in the Rolls: And likewiſe the prizes
" taken by our Miniſters through the Realm, we have granted for us and
" our Heirs, that we ſhall not draw any ſuch Aids, Taxes, or Prizes, into
" a Cuſtom for any thing that hath been done before, be it by Roll, or any
" other Precedent that may be found.

And

And in the ſame Parliament, in the ſixth Chapter it is thus: "We "have granted for us and our Heirs as well to Archbiſhops, Biſhops, Ab- "bots, Priors, and other Folk of holy Church, as alſo to Earls, Barons, "and to all other the Communalty of the Land, That for no buſineſs "from henceforth, we ſhall take ſuch manner of Aids, Taxes, or Prizes "but by the common conſent of the Realm, and for the common "profit thereof: Saving the ancient Aids or prizes due and accu- "ſtomed. The Statute of 25. *Edw.* 1. cap. 6.

Obſerve the words in this Statute, that for no buſineſs he ſhall take any manner of Aids, Taxes, or Prizes, but by the common conſent of the Realm.

The Words of this Statute are ſo plain (for no buſineſs,) as they include all, and admit any expoſition.

Then in 34 *Edw.* I. *cap.* 1. It is enacted, "No tallage nor aid ſhall be "taken or levied by us or our Heirs in our Realm, without the good will "and aſſent of Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, "and other Freemen of the Land. 34 *Edward* 1. cap. 1.

Then by a Statute made the fourteenth year of King *Edward* the Third, It is in this manner; "That whereas the Prelates, Earls, Barons, "and Commons of our Realm of *England* in our Parliament holden at "*Weſtminſter* upon *Wedneſday* in Mid-lent, in the fourteenth year "of our Reign over *England*, and the firſt over *France*, have gran- "ted to us of their free and good will in aid of the ſpeed of our "great buſineſs which we have to do, as well on this ſide the Sea, as be- "yond, the Ninth Sheaf, the Ninth Fleece, and the Ninth Lamb, to be "taken by two years next coming after the making of the ſame; And the "Citizens and Burgeſſes, of Cities and Burroughs, the very ninth part of "all their goods; and the Foraign Merchants and others which live not "of grain, nor of flock of Sheep, the fifteenth part of their goods to "the value. We willing to provide for the indempnity of the ſaid Pre- "lates, Earls, and other of the Commonalty, and alſo of the Citizens, "Burgeſſes, and Merchants aforeſaid, will and grant for us, and our "heirs to the ſame Prelates, Earls, Barons, and Commons, Citizens, "Burgeſſes, and Merchants, that the ſaid Grant which is ſo chargeable, ſhall "not another time be had forth in example, nor fall to their prejudice "in time to come, nor that they be from henceforth charged nor grieved "to make any aid, or to ſuſtain the charge, if it be not by common con- "ſent of the Prelates, Earls, Barons, and other great men, and Com- "mons of our ſaid Realm of *England*; and that in Parliament. 14 *Edward* 3. cap. 1.

Then by the Statute made in the five and twentieth year of King *Edward* the Third, *cap.* 8. it is enacted, That no man ſhall be compelled to find men of Arms, Halberts, or Archers, other than ſuch as hold by ſuch ſervices, if it be not by common conſent and grant in Parliament, for that is againſt the common right of the Realm. Which laſt words, [for that is againſt the common right of the Realm] are in the Parliament Roll, but left out of the Printed Books of the Statutes. 25 *Edward* 3. cap. 8.

And this Act of Parliament is recited by an Act of Parliament made in the fourth year of the Reign of King *Henry* the fourth, the thirteenth Chapter, and enacted and obſerved in all things. Confirmed by an Act of Parliament in 4 *Hen.* 4.

Then in the firſt year of King *Richard* the Third, and in the Second Chapter it is recited, That the Commons of this Realm, by new and unlawful inventions have been put to importune charge, eſpecially by a new impoſition, called, A Benevolence; It is enacted, that the Subjects 1 *Richard* 3. cap. 2.

and Communalty of this Realm, from henceforth in no wise be charged by any such charge or imposition, called a Benevolence, nor by any other such charge.

Then comes the Act of Parliament, made in the third year of the Kings Majesties own Reign, called the Petition of Right, whereby the Statute made in the time of King *Edward* the First, commonly called the Statute, *De tallagio non concedendo*, is mentioned, and many particular incroachments recited to be made upon the Liberties of the Subject; And many particulars being recited, it is required to be enacted, that no Loan of money against the will and good liking of the Subjects, Billetting of Souldiers, and Mariners in mens houses, there to sojourn against their Wills, Commissions of Martial Laws in time of peace. They do therefore humbly pray you, that no man be hereafter compelled to yield or make any Gift, Loan, Benevolence, Tax, or such like charge, without common consent by Act of Parliament, whereunto his Majesty consented with this Subscription. *Soit Droit fait come est Desire.*

And these are the Statutes whereupon I relie, that this charge cannot be laid upon the Subject by this Writ only without the aid of some Act of Parliament.

Now for Authorities of Book Cases, and other Authorities concurring herewith.

13 *Hen.*4. fol. 14,15,16.

First, By the Case of 13 *Hen.* IV. *fol.* 14, 15, and 16. which were long debated, It appears that the King had granted an Office, for the measuring of Cloth in *London*, and a power to take so much for his labour.

There was a Writ under the Great Seal directed to the Mayor of *London*, commanding him to put the Patentee in possession; and the Patentee had put it into practice, and divers had paid money to the Patentee: And yet after upon a return, that there was no such Office, it is adjudged a good return; And it is there agreed, That the King cannot by his Patent create or erect a new Office, in charge of his people, without the special assent of the Commons: And the King cannot grant to any, that that he shall take of every Carriage that shall come over such a Bridge such a Sum; And it is said there in the Sixteenth Leaf, that a common charge, though it found to the profit of the people, cannot be granted out of Parliament: And this in my opinion is a strong case in the point.

37 *Hen.* 8. *Broke* Patents Pla. 100. 14 *Hen.* 4. f. 9. 37 *Hen.* 6. f. 27. 8 *Hen.* 6. f. 19. concurring. *Forteſcue* in his Book *de Laude Legum Angliæ*, fol. 25. cap. 9. He was made Lord Chief Justice of the Kings Bench, *An.* 19. *Hen.* 6. and made Chancellour of *England* as is said in the Book.

Then see 37 *Hen.* VIII. *Broke* in Patents, *Placito* 100. The Kings Majesty may erect Markets and Fairs with Tolls incident: For that concerns only such as will buy: But the King cannot grant Toll *Travert*, nor a thorow Toll, nor alter or change Laws or Customs of the Realm, nor make Land deviseable or Gavel-kind or Borough English, or change Gavel-kind or Borough English to be descendable to the Heir; which is so agreed in divers Books.

Then in the Book of *Forteſcue*, of his commendation of the Laws of *England*; It is thus written in the Ninth Chapter, the five and twentieth Leaf, The King of *England* cannot alter or change the Laws of his Realm at his pleasure; For why, he governeth his People by Power, not only Royal, but also Politick: If his power over them were only Royal, then he might change the Laws of his Realm, and charge his

Subjects

Subjects with Tallage and other burthens without their conſent; And ſuch is the Dominion which the Civil Law purports, when they ſay, that the Will of a Prince hath the force of a Law: But from this much differeth the Power of a King, whoſe Government over his people is Politick; For he can neither change Laws without the conſent of his Subjects, nor yet charge them with ſtrange impoſitions againſt their wills. Rejoyce therefore, O Soveraign Prince, and be glad that the Laws of your Realm, wherein you ſhall ſucceed, are ſuch; For it ſhall exhibit to you and your People no ſmall ſecurity, and comfort.

And the ſame Author, *fol.* 84. *cap.* 36. ſaith thus; That the King by his Officers (though the Owners would ſay nay) may take neceſſaries for his houſe at a reaſonable price to be aſſeſſed by the Conſtable; Nevertheleſs he is bound by the Law to pay therefore, either preſently, or at a day to be limited by the higher Officers of the houſe: For by the Laws he may take away none of his Subjects goods, without due ſatisfaction for the ſame; neither doth the King there either by himſelf, or his Servants and Officers, levy upon his Subjects Tallages, Subſidies, or any other burthens, or alter their Laws, or make new Laws, without the expreſs conſent and agreement of his whole Realm in his Parliament. The ſame Author, cap. 36. fol. 84.

And thus I have done with the Poſitive part of my Argument, and will indeavour to be ſhorter in the reſt.

The Second Part.

NOw in the ſecond place I will give an Anſwer to all ſuch Objections that have been made by the Councel of the King at the Bar; and by ſome of my Brothers in their Arguments againſt theſe Statutes.

Firſt, it hath been Objected, that the Statute *de Tallagio non concedendo* was not a Statute. And this was inſiſted upon by Mr. Solicitor, and not without many probabilities of the Kings not then being in *England*, and many other things by him alleaged; Yet becauſe it hath been agreed by all that have argued ſince, that it was and is an Act of Parliament, and is ſo recited in the Petition of Right, I will ſay no more to that; But thereby, and by his inſiſting ſo much upon that to be no Statute, I do conceive that he underſtood that Statute to be, (as indeed it is) a forcible Statute againſt this impoſition of a charge by Writ, without the conſent of the Parliament. *Object.* 1. *Reſp.* 1.

The ſecond Objection was; That the words, Aids, Tax, and Tallages, do not extend to this proviſion of Ships of War, and men for defence, and that there is no exception of the aids which are due to the Kings Majeſty, for making his Eldeſt Son Knight, nor aids for Marriage, nor other aids by Tenures. *Object.* 2.

The Anſwer is eaſie: For the words of the Statute of the fourteenth year of King *Edward* the Third, are, That they ſhall not from henceforth be charged or grieved, to make any aid, or to ſuſtain any charge. *Reſp.* 2.

Theſe are words ſo general, that all is comprehended which charges all; And for the aids of making the Eldeſt Son Knight, and the other aids,

aids, they are not general to charge all, but particular, ſuch as are charged by Tenure, and need no Exception, . .

And yet in the Statute of 25 *Edward* III. *cap.* 8. there is an exception (of other than thoſe which hold by ſuch Tenure) which Exception was needleſs, becauſe no charge of any in particular is within any of the Acts of Parliament; but ſuch as are general, and extend to charge all the Subjects of the Realm, as this doth.

Object. 3. There hath been another Objection made againſt the Statute of 14 *Ed.* III. that it ſhould be but temporary, for the time of the continuance of thoſe Wars; And my Brother *Berkley* did except to this Statute, becauſe it is not mentioned in the Petition of Right.

Reſp. 3. To this there needs no other Anſwer, than the Statute it ſelf, firſt the Preamble, and then the body of the Act, (*viz.*) That from henceforth they ſhall not be compelled to make any aid, or ſuſtain any charge but by the common conſent of the Prelates, Earls, Barons, Great men, and Commons of our Realm of *England*, and that in Parliament; This is an abſolute Statute.

It is true, that the latter Clauſe whereby the King was pleaſed, that the profits to be made of his Wards, Marriages, Eſcheats, and other profits ſhould be diſpoſed of for the maintenance of the Realm of *England* and of his Wars in *Scotland*, *France*, and *Gaſcoyn*, and elſewhere, during the ſaid Wars, This was a matter of the Kings Bounty and Grace, and was to continue no longer; And to ſay, that becauſe it was not particularly mentioned amongſt other in the Petition of Right, therefore it ſhould be of no force, doth not ſtand with any reaſon to impeach the Statute, nor many others that are not there enumerated.

Object. 4. The laſt and greateſt Objection that hath been made, firſt by my Brother *Crawley*, and after by others, and inſiſted upon by my Brother *Jones*, is, That this is a Prerogative, or Power Royal, ſo incident to the Kings Majeſty, that it cannot be taken away by any Act of Parliament; And it was ſaid, it is *proprium quarto modo*: And in proof thereof it was affirmed, that when there was in the beginning of King *James* his Reign a purpoſe to have taken away all Tenures by an Act of Parliament, and to have ſhut up the Court of Wards; It was reſolved by the Judges, that ſuch a Statute had been void.

Reſp. 4. Firſt, I do agree, that there are many things ſo incident in power to a King, as are not in the power of any Parliament to take away, as appears by the Caſe of 1 *Hen.* VII. of the diſpoſing of the right of the Kingdom, power of making War and Leagues, the power of the Coin, and the value of Coines, and many other Monarchical Powers and Prerogatives which to be taken away, were againſt natural reaſon, and are incidents ſo inſeparable, that they cannot be taken away by Parliament.

And yet I will ſhew you, and prove, that Acts of Parliament have bounded, limited, and qualified the Kings ancient and inherent Prerogatives of like nature, and of as great importance as this is.

Ploy. fol. 332. The Caſe of Mines. It is ſaid of *Ploydon*, in the caſe of Mines, *fol.* 332. That every Prerogative that the King hath, contains in it ſelf a matter of Preſcription, and as it is there ſaid, That before the Statute of 2 *Edw.* III. *cap.* 12. if one held his Land by Knights Service of the King *in Capite*, and had aliened that Land in fee, without the Kings Licence, the Land was forfeited to the King; And the King ſhould have had the Land to him and his Succeſſors for ever; The King willeth and granteth, that the King ſhall not hold them as forfeit: But ſhall take a reaſonable Fine, to be aſſeſſed in the Chancery by due Proceſs.

And

And in the ſame Book, *fol.* 322. The Kings Majeſty might by Prerogative have taken Woods in any mans Wood, for the repair of his Caſtles: But by the Statute of *Magna Charta*, *cap.* 21. he is excluded of that, the words are [Neither We, nor our Bayliff, nor any other for us] ſhall take Wood of any other mans, to repair our Caſtles, nor to do any other thing with them, but by good will of him whoſe Wood it is. Fol. 322.

And by the Statute of 25 *Edward* III. *cap.* 1. It is enacted that from thenceforth, neither he, nor any of his Heirs, ſhall take title to preſent to any Benifice of the right of another, of any time of his Predeceſſors. 25 *Edw.* 3. cap. 1. 11 *Hen.* 4. fol. 7, 8.

And the King brought a *Quare Impedit*, and made title to an avoidance in the time of King *Edward* the Firſt, Son of King *Henry* the Third; And the Defendant pleaded this Statute, and upon debate and Argument, although it was alleaged, that this Statute had not been put in uſe, It was adjudged, that being a Statute in force, it might be put in uſe: And ſo it was judged againſt the King.

And this is a ſtrong proof, that in one of the moſt ancient Prerogatives incident to the King of *Nullum tempus occurrat Regi*, which is grounded upon many Reaſons, yet by an Act of Parliament this Prerotive was taken away.

See the Statute of 7 *Hen.* VIII. *cap.*3. The Informer is limited to begin his Suit within a year, and the King within two years, and not after, hereby the Kings Prerogative of *Nullum tempus* is taken away, and limited to two years. The Statute 7 *Hen.* 8. cap.3.

The Statute of 21 *Jac. cap.* 2. whereby our late King *James*, of famous memory, was content to exclude himſelf to make any title to Lands, whereof he hath not been in poſſeſſion, or which have not lawfully been put in charge within ſixty years: But enacted, that ſuch perſons as do hold thoſe Lands, ſhall hold them ſtill without trouble: And that Patent of concealment, or defective title, ſhall not be a putting in charge, or ſtanding in *ſuper* within that Statute. 21 *Jac.* cap.2.

I might be infinite in this, but I will conclude with the Statute of 21 *Jac. cap.*14. That where the Kings Majeſty by his Royal Prerogative, may inforce the Subject in informations of intruſions, to plead eſpecially, and to ſhew his title, or to loſe the poſſeſſion, The Kings Majeſty out of his gracious diſpoſition towards his loving Subjects, and at their humble ſuit (being willing to remit a part of his Ancient Regal Power) is well pleaſed that it be enacted, and be it enacted, That where the Kings Majeſty hath been, or ſhall be out of poſſeſſion, for the ſpace of twenty years, or ſhall not have taken the profits of any Lands, or Tenements, within the ſpace of twenty years; That in ſuch caſe the Defendant may plead the general Iſſue, if they think fit, and ſhall not be preſſed to plead ſpecially; and ſhall retain the poſſeſſion, till the title be tried and found for the King. And that no *Scire facias* ſhall be brought to put the party to a ſpecial pleading, where an information may be fitly brought. 21 *Jac.* cap.14.

By theſe, and many other of the like nature, it muſt be agreed, that ancient, Regal, and inſeparable Prerogatives, and Powers, may be, and have been qualified, bounded, and limited for the eaſe and benefit of the Subjects.

And give me leave to ſay this of Parliaments, that they have been eſteemed by the wiſdom of former times, to be ſo neceſſary, as there were Acts of Parliament heretofore made in the time of King *Edward* the Third; which 36 *Edward* 3. cap.10.

which you may ſee *Anno* 36 *Edw.*3.*cap.*10. That for the maintainance of Articles and Statutes, and for the redreſs of divers miſchiefs and grievances which daily happen, it was Enacted that a Parliament ſhould be holden every Year.

Another reaſon is, that they have been eſteemed neceſſary for determining of difficult matters: And therefore *Bracton*, who wrote in the time of King *Henry* the third, fol. 1. *Leges Anglicanæ & conſuetudines approbatæ conſenſu utentium, & ſacramento Regis confirmatæ; mutari non potuerunt nec deſtrui ſine conſenſu & conſilio eorum, quorum conſenſu & conſilio fuerunt promulgatæ: ſin autem aliqua nova & inconſueta emerſerint, quæ prius uſitata cum fuerunt in Regno, & obſcurum ſit eorum judicium, tunc ponentur judicia in reſpectu uſque ad magnam Curiam, ubi per conſenſum Curiæ terminentur.*

Bracton. fol. 1.

See to this purpoſe an excellent Caſe in 2 *Edw.*3. *fol.* 7. upon the Statute of *Wincheſter*, where a Robbery was done, and a Recovery againſt the Hundred next adjoining, and a Levy made of the Biſhop of *Coventries* Tenements, of the Hundred in *Staffordſhire*. The Biſhop came into Court and pleaded a Charter of Exemption made by King *Richard* the Firſt: And for the difficulty upon the Charters, and upon the Expoſition of the words of the Statute, there came a Writ to remove the Record into the Parliament, *Quindecim Paſch.* and the Sheriff was appointed to attend there with the money levied.

The Statute of *Wincheſter* 13 *Edw.*1. lib. 2.*Edw.*3.fol.7.

See the Regiſter, where it appears that certain Meſſengers had from the Pope ſerved Proceſs upon an Officer of the Court of Chancery, then held at *York*, to command him by thoſe Bulls to appear at *Rome*: And for this Contempt, the Party who ſerved the ſaid Proceſs, was committed to the Caſtle of *York*: And at length the Kings Majeſty by the intreaty of divers of the Great Men of the Realm, was content, upon taking Bond, that he ſhould anſwer the ſaid Contempt, *ad proximum Parliamentum, ubicunque illud ſummoniri contigeri*, to deliver him out of Priſon.

Vid. le Regiſt. fol.274.

Then the Statute of *Wincheſter* 2. the 28. chap. of *Concordent Clerici in Cancell. de novo Brevi, vel attendent in proximum Parliamentum.*

The Statute of *wincheſter* 2. cap.28.

The further neceſſity and eſtimation which have been taken to be of Parliaments, is the number and frequency of them. For you may ſee by the Commentaries upon *Littleton, fol.*100. that before the Conqueſt, and in the Conquerors time, and after, till the end of King *Henry* the Third's time, there were Two hundred Eighty Seſſions of Parliament; and ſince almoſt Two hundred.

Another Reaſon, as I conceive, to be collected out of the Oath, which the Kings of this Realm take at their Coronation, which is printed in *Magna Charta*, whereby the King agrees to give conſent to ſuch Laws, as ſhall be propounded for the profit and good of the Kingdom.

Doctor and Student, fol. 12.

And that, I conceive, is the cauſe, that when Bills come up, being agreed by both the Houſes, the Kings Majeſty, to thoſe he doth not allow, or not like of, doth make no direct denial, but *Le Roy de aviſera.* For nothing can be done without the Kings conſent, who hath ſole power to Call, to Prorogue, and to Diſſolve Parliaments at his pleaſure. And I know not whether the laſt meeting in Parliament, either by ill choice of the Members of that Houſe, or by the great increaſe of the number, or by the ambitious humours of ſome Members of that Houſe, who aimed more at their own Ends and Deſigns, than the general Good of the Commonwealth; things were ſo carried, not as was uſed in ancient time, but

ſo

ſo diſaſtrouſly, that it hath wrought ſuch a diſtaſte of this Courſe of Parliaments, as we, and all that truly love the Commonwealth, have juſt cauſe to be ſorry for it.

The Third Part.

NOw I come to my third Head, that is, to give Anſwer to ſuch Precedents as have been ſhewed and inſiſted upon, to prove that the Kings of this Realm have made ſuch Impoſitions, even in the matter of Shipping.

The firſt Precedent.

And herein firſt they have inſiſted upon a Tribute, or Impoſition, called *Dane-gelt*, which was begun in *Etheldreds* time, which, as it was ſaid, was double, *ad placandos Danos, vel ad coercendum Danos*, which was very grievance and of long continuance: For as it was ſaid by my Brother *Crook*, it was firſt Ten Thouſand pounds yearly, then increaſed to Sixteen Thouſand, then to Twenty four Thouſand, then to Thirty ſix Thouſand yearly. And from Twelve pence for every hide of Land, to Twelve Shillings for every hide of Land.

This Tribute continued after the *Danes*, for in the time of the *Normans* it became to be called a Tallage, or Tax, King *Henry* the Firſt granted to the Citizens of *London* to be quit and free from *Dane-gelt*. And the ſame King about the 30. year of his Reign, in redemption of his Sin did grant that *Danicum Tributum* ſhould be totally releaſed for ſeven years, as it appears in Sir *Henry Spelmans* Book intituled *Gloſſarium*, *fol.*200.

Spelm. fol. 200. *Reſp.*1.

To this I give this Anſwer, That by the Statute of 34 *Edw.*1. *De Tallagio non concedendo* but by Parliament, this was taken away: And thereupon enſued a ſtrong Argument, that if ſuch a thing as the *Dane-gelt*, which had ſo long continued, were not taken away by theſe Acts of Parliament, it might have been put in uſe: For no man will maintain that this Tribute of *Dane-gelt* can now be impoſed at this day by the Kings Writ under the Great Seal, which it might be, if theſe Statutes had not taken it away.

34 *Edw.*1. c.8.

And for this purpoſe, in the Statutes made 34 *Edw.*1. *cap.*8. the King grants to Clerks and Laymen, that they ſhall have their Laws, Liberties, and Free Cuſtome, as they have uſed the ſame at any time when they had them beſt: And if any Statutes have been made, or any Cuſtoms brought in by Us, or Our Anceſtors to the contrary, that they ſhall be void and fruſtrate for evermore.

And concerning the generality of Precedents, which have been made uſe of on the one ſide, and on the other, out of *Membrana's* Patents and Commiſſions, and Anſwers to Petitions in the Rolls of Parliament (to Petitions.) I am very ſorry that ſuch obſolete and ancient things have been mentioned; many of which in my judgment, had been better to have ſlept in ſilence, than to have been ſpoken of in theſe times.

But herein is a ſtrong command, and as great neceſſity; And yet there was a Clauſe in theſe Commiſſions, *viz. Et veſtrum quod ad illud poſueritis, cum illud ſcierimus in exitibus ballivat allocari faciemus.*

2 *H.*4. num.22.

And in 2 *Hen.*4. Parliament recites, That where divers Commiſſions were made to divers Cities, Boroughs, and Towns, to command the making of certain Barges and Billingers, without the aſſent of Parliament, and

in another manner than had been done before: The Commons did pray the King that the ſaid Commiſſions might be repealed, and that they ſhould be of no force, or effect. And the King anſwered, that the ſaid Commiſſions ſhould be repealed for ever.

But for the great neceſſity of ſuch Veſſels for the defence of the Realm, in caſe that the Wars do come, the King will commune of this matter with the Lords, and after he will ſhew it to the Commons to have their conſent.

And ſo I leave theſe Precedents, which together with ſome other Objections, have been fully anſwered by my Brother *Croke*, and proceed to my farther point.

The Fourth Part.

THat is, That ſince the time of *R.2.* and *H.4.* there hath been no ſuch thing attempted, and that this diſuſe is a ſufficient matter to prove the unlawfulneſs. For ſince that time, though there have been in the Reigns of many Kings, occaſion of employments both of Ships for the defence of the Sea, and ſervice of the Land, yet the courſe and order of defence hath been by ſeveral other ways: as by Commiſſions to provide Men to ſerve for Wages, and by Indentures of Covenants, which were very frequent to be made between the Captain and the King, that he ſhould Covenant to ſerve with ſo many Men, for ſuch particular times, and for ſuch Wages, as were compriſed therein, and the Precedents of Modern Times, have been this way all for Wages.

This is proved by an Indenture made in 15 *Ed.4.* and Sir *W. Pirton* Kt. reciting that the King had diſpoſed of an Army of 4000 men for the Narrow Seas, and the keeping of them; and that he ſhould have conſtantly 460 men under him, for four Moneths, the Kings Majeſty was to find the Ships furniſhed with Guns, Powder, Artillery, and Victual, and that the ſaid *W. Pirton* ſhould take Wages for every of his Company, *viz.* two ſhillings a Week, and the times appointed for the payment thereof.

And 28 *H.8.* it appears by a Letter under the Privy Signet then, when by command Men were raiſed in the County of *Lancaſter*, and by command coming towards the County of *Lincoln* to aid the ſuppreſſion of Rebels, the Rebels having ſubmitted before they came, they were comanded to return, and for their charges in their entertainment, and conveying of them, a reaſonable Bill ſhould be made, and ſent to the King by a truſty Meſſenger, and he would cauſe a convenient recompenſe to be delivered accordingly.

And for that which hath been inſiſted upon, that there hath been Commiſſions of Array, and proviſion for Arms, and for preparing Armor from time to time, it is not to be denied, that firſt by ſeveral Statutes, as that of *Wincheſter*, and divers ſince, the Armor and Weapons, wherewith the Subjects of this Realm have been charged, are ſeveral, and changed according to the variety of times, as things have grown out of uſe, and other manner of proviſion more ſerviceable and neceſſary, for which there have been directions for Views, and for Training and Diſciplining of Souldiers to be prepared for defence. That this hath been in uſe no man can, or ever could deny, or affirm the contrary. And in all the Prerogatives which have been before by Mr. Attorny General urged that the King hath intereſt in mens Goods, and to execute his Writs by his Sheriffs upon mens perſons, and

in

in their Lands, for giving Poſſeſſion, and for levying Amerciaments and Fines, and power to put ſome of his Subjects out of their Poſſeſſions, and to deliver the Poſſeſſion thereof to others; as it appears in *Ployden* in *Mancells* Caſe, which was vouched by Mr. Attorney General.

This is very true, for this is a thing which the King is bound to do for the good of his Subjects.

For as it is agreed in 34 *H.6. fol.* 14. The Kings Majeſty is bound to keep his Courts of Chancery, and all his other Courts, at his own charge. And 39 *H.6. fol.* 40. The King is bound to do Law and Right to all his Subjects, which without theſe Powers and Prerogatives would not be performed.

Out of theſe and the like of Murage and Pontage, there can no ſound Argument be drawn to warrant the proviſion of Ships, and Men, and Furniture for War, when the King will ſo appoint.

But, I conceive, that it hath been generally agreed by all the Judges (*nullo contradicente*) that if this Writ of *Aug.* 4. which is proviſion of a Ship and Furniture, and Men, had been to have authorized the Sheriffs to have levied monies of the Subjects for that purpoſe, that then the Writ could not have given power to have done it, becauſe that would have been expreſly againſt the Statutes; And if that be granted, then conſidering that theſe Writs to the Sheriffs, are accompanied with Inſtructions commanding and directing the Levying of Mony, and proportioning what Sum is to be raiſed in every County for that Service: As in the County of *York*, and in the County of the City of *York*, the ſum of 12000 *l.* and the ſum of 8000 *l.* for the County of *Lincoln*: and ſo a proportion of mony for every County for that purpoſe. The conſequence may be this, That this Levy which hath obtained the name of Ship-mony, and wherein no endeavour hath ever been made for preparing any ſuch Ship, or Furniture, or Men, as the Writ in it ſelf purports, is not purſued, or warranted by this General Levy of Shipmony. For it is a Rule, *Id quod non poteſt fieri directè, ex obliquo fieri non debet.*

I confeſs that divers of the Kings of this Realm, have upon ſome pretended occaſions, taken upon them by perſuaſion of ſome Great Men in their time, and aſſumed a Royal and Monarchical Power, to levy Monies by Commiſſions, and have extended that Power very far; whereof you may read, that in the 17. year of K. *H.* 8. C. *Woolſey* was charged to have been the cauſe of directing Commiſſions into all Countries for the levying of the 6. part of all mens Goods, and the 6. part of their Plate, for that the King was then determined to make War with *France*, and to paſs the Sea himſelf. This being attempted by enforcing ſome, and ſending others to Priſon, it grew to be ſo generally diſliked, that the People roſe up in divers Countries, and then the K. diſclaimed that it was done without his privity. The Card. charged it to be done firſt by the conſent of the Council; which they denied. Then he charges the Judges to be conſenting, which being untrue, the Card. took it to himſelf; and all the Commiſſions were recalled: you may ſee it at large ſet down in divers Chronicles. And in the latter time of our gracious Q. *El.* upon pretence of want for Expeditions in *Ireland*, there was a general Benevolence required, and it went on for a time, and ſo far as it came to be voluntarily levied in the Inns of Court. And I can ſpeak it of my own knowledge, I paid a ſum, I think but 20 *s.* and others paid likewiſe. But not long after (as it was ſaid) when the Q. was informed that this Benevolence was expreſly againſt the Statute of *R.* 3. and againſt the Laws, and diſtaſtful; all the monies levied was commanded to be reſtored, and repaid, and mine was, and the reſt was ſo to others, as I heard, and do verily believe: and this was attempted by ſo gracious a Queen.

17 *H.* 8. Anno Dom. 1225.

The Attempt to have Benevolence for Q. *Eliz.*

And to ſpeak nothing of the Commiſſion dated the thirteenth day of *October*, in the ſecond Year of our gracious Soveraign Lord the Kings Majeſty, for the loan and levying of the five Subſidies which was effected, and acknowledged after not to be warranted by the Laws and Statutes: This point is apparent, that in time of neceſſities, theſe illegal or Monarchical powers have been aſſumed in the time of other Kings.

And hereupon I conclude theſe points, That the Statutes have taken away this power of charging the Subjects of this Realm with any general and publick Charge, Aid, or Tallages, or burthens for any buſineſs, but only by their conſent in Parliament, and no Uſage Precedent, or Cuſtom, if any ſuch have been, can by Law take away the force of theſe Acts of Parliament, ſo long as they ſtand in force.

And I do abſolutely believe, that if the Kings Majeſty had not been perſuaded by ſome opinions, that this courſe was warranted by Law and Cuſtom of the Realm, that he would not have attempted the ſame.

The Fifth Part.

NOw I proceed to the fifth Part; That the Matter which is contained in the Writ of *Auguſt* 4. *Anno* 11. *Car.* doth not contain ſufficient matter to warrant this Levy.

Firſt, The words of the Writ are not any affirmance directly of any danger, for they are but *Quia datum eſt nobis intelligi*: this is but of Information, and not *ex certa ſcientia*, which are of more force. The other words are but of Information or Suggeſtion.

Then for the matter, it contains onely theſe points, That there are many Pirats and Sea-Robbers congregated upon the Sea, to take away ſome of our Subjects into miſerable captivity, and to hinder our Merchants to bring in their Merchandizes and Goods, and the Goods and Merchandizes of the Subjects of our Friends coming and traffiquing hither, and ſpoiling of our Merchants: And for that the Sea hath been, and ought to be defended by *Gentem Anglicanam*, and they intending to trouble the Kingdom.

And we conſidering the danger every where now imminent, and deſiring the defence of the Realm, the ſafe-guard of the Sea, the ſecurity of our Subjects, the ſafe conducting of the Ships of our Merchants, and of their Merchandizes, to come into our Realm, and to go forth of the Realm, and willing to provide for their aid, do therefore direct this Writ.

Here is no matter of any publick danger to all the Subjects, no intended coming upon the Land, but to rob and ſpoil as Pirates by Sea, and Conſpirators to moleſt Merchants, to hinder Traffique, to take ſome Priſoners, as have been done heretofore, ſometimes by the *Dunkirkers*, and many times by the Pirats to *Argiers*.

All this is but ſuch a defence as doth require but the ordinary defence, to the which the Kings Majeſty is ſolely bound for to ſee performed, for the ordinary benefits that he hath of Cuſtoms, and Subſidies of Wines, and other profits, beſides the Tonnage and Poundage; and the Ships which are provided by the Cinque Ports, for which they have many Priviledges.

This matter contained in the Writ, by all the particulars doth not comprize any general aſſault or attempt to be made for taking of any Towns, as hath been before time.

Another

Another reaſon to prove that the Writ hath not contain ſufficient matter to induce a general charge (is to be collected.) That this being perceived, it is contained more amply, and laboured to be aided and ſupplied by the words put into the *Mittimus*, which are of more efficacy; For therein is contained, which is not in the Writ of 4. *Auguſti*: *Quod pro Defenſione Regni, & tuitione Maris*; And for that, *Salus Regni noſtri Angliæ & populi noſtri periclitabitur*: And the recital of [*Datum eſt nobis intelligi*] is omitted, but hereby affirmed poſitively.

And where my Brother *Berkley* inſiſted; that the matter contained in the *Mittimus* was ſufficient to ſupply the Writ of 4. *Auguſti*, if it were not ſo fully expreſſed as it ſhould have been.

Thereunto I make this Anſwer, *Quod in initio non valet, tractatu temporis non convaleſcet*: Beſides the date of the Writ of *Mittimus* of the fifth of *May*, *Anno* 13 *Car. Regis*, which is almoſt two years after the Writ of 4. *Auguſti* did iſſue; And this is a very late ſupply; And therefore that caſe was vouched by my Brother *Berkley*, which was *Dowmans* Caſe, *Anno* 25. & 26. *Eliz.* and reported by my Lord *Coke* in his Ninth Book, wherein it is adjudged that when a Fine or Recovery is ſuffered, and no uſes declared, That an Indenture ſubſequent declaring that the Fine or Recovery was to ſuch uſes, ſhall be ſufficient in Law to lead to the Uſes of thoſe proceeding Aſſurances; Which I agree to be good Law. But that doth not reſemble this Caſe, for this muſt be good in the foundation, or no ſubſequent declaration can make that good which at the firſt was not. And that I prove by two Caſes directly adjudged.

25 & 26 *Eliz. Coke* l. 6. f. 1. in *Dowmans* Caſe

The firſt is *Vernons* Caſe, *Anno* 14 *Eliz.* adjudged and reported by my Lord *Coke* in his Fourth Book upon the Statute of Joynture, A man intending to make a Joynture to his Wife to bar her of her Dower, maketh a Feoffment of his Land to the uſe of himſelf for life, and then to the uſe of a Friend for his life, and then to the uſe of his Wife for a Joynture; Although by ſucceſs of time it hapneth that the Friend die in the life of the Feoffer, and ſo the Wives Eſtate becomes immediate to begin upon her Husbands death, and might have been a good Joynture, if it had be ſo made at firſt, yet this Caſe is adjudged to be no Joynture, for it was not good in the Foundation, and that which was defective in the Original, is not good by any accident ſubſequent.

Coke. 4. *Vernon.* Caſe.

And in the Lord *Cheneyes* Caſe reported by my Lord *Coke* in his Fifth Book, *fol.* 62. in the four and thirtieth year of Queen *Elizabeth*, It is reſolved upon the Statute of Wills, that the Eſtate contained in a Will in writing, which is the foundation and ground, muſt be ſuch as is expreſſed in the written Original Will, and that no averment or ſubſequent proof of intention or explanation can add or ſupply any thing to that Original.

Coke l. 5. f. 68. *Le Seigneur cheneyes* Caſe.

And as in theſe Caſes the original foundation cannot be ſupplied by ſuſequent addition; So the Writ of 4 *Auguſti* being the Original, cannot be ſupplied by ſubſequent explanation.

Another Exception is, that by the Writ, all the Kings Majeſties Subjects are to be rated and taxed to contribution, other than ſuch as have part in the Ship, or elſe do ſerve therein. And hereby the Sheriff of every County muſt either not be taxed, or not contribute, for it is inconvenient, nor can be done, that every Sheriff ſhould tax himſelf.

Except. 2.

8 *Hen.* 6. 19. 18 *Hen.* 3. 9 *Eliz.*

Next for the Writ of *Certiorare*, that is very unuſual to be directed to two ſeveral Sheriffs, being then no Sheriffs, to certifie what Taxations they had made upon that Writ; They were then no Officers: But it ſhould either

either have come by Inquiſition, or by the return of the then preſent Sheriff, to have ratified what his Predeceſſors had done in their times, and not this way which was never before heard of.

And then touching the *Scire facias* it ſelf, I am of opinion that it doth not lie, for many cauſes:

Reaſon 1. Firſt, The Sum ſo aſſeſſed doth not appertain to the King; And for the Kings Majeſty to have a *Scire facias*, for to inforce him to do or pay that which belongs to another is not uſual.

Secondly, It is not ſhewed that any Ship, or proviſion of Men, or Munition, was prepared or provided, which is a contempt in the Sheriff.

Thirdly, The direction by the Writ is to diſtrain, or to commit to Priſon ſuch as ſhall refuſe; and no other courſe appointed by the ſaid Writ, for the levying thereof.

Fourthly, The *Scire facias* ought to be awarded out of a Preſentment, or Inquiſition, whereby the matter may be found, whereby the King is entituled, or upon ſome Preſentments which concern the Common-wealth, as Preſentments that a common Bridge is in decay, and that either a particular man is bound to repair it, or that it is in default of the County, or of the Inhabitants of ſuch a Hundred; And the like for repair of High-ways: There I agree as was ſaid by my Brother *Trevor*, a *Scire Facias* is uſually awarded out of the Exchequer; But I conceive theſe prove, that without a Preſentment or Inquiſition that no *Scire facias* doth properly lie, or ought to be awarded.

And therefore I will conclude this with the Caſe of 2 *Edw.* III. *fol.* 2. The King by his Writ directed to the Sheriff of *Lancaſter*, reciting, That where Sir *John Langton* had delivered divers Sums of money to one *Robert* his Companion, to come to the King in aid of his Wars in *Scotland*, and the ſaid *Robert* did not come, but did ſpoil and did take the Goods and Chattels of divers of our Subjects in the ſaid County, and did rob, and ſpoil, and waſte the Goods of our Subjects to the value of two thouſand pounds *ut accepimus le Roy*, command to the Sheriff, *De attach* the body of the ſaid *Robert*, and he was attached, and did not appear: And by his Counſel alleaged, that upon this Suggeſtion, the King being not otherwiſe appriſed by indictment or otherwiſe, this ſuit did not lie for the King, and the parties grieved may have their Suits.

And thereupon the Court was adviſed, and took time to ſpeak with the Chancellour, to ſee if he had any matter, out of which the ſaid Writ was awarded: And afterwards, becauſe this Writ was grounded upon a ſuggeſtion againſt the Common Law, therefore the ſaid *Robert* was diſcharged, which is a ſtranger Caſe than ours. And for theſe Reaſons I conclude this Part, that no *Scire facias* ought to be awarded in this Caſe.

The Sixth Part.

NOw it remains to give Anſwer to that which hath been before objected, and ſpoken of only by Maſter Solicitor, that the Judges had before given their opinions to warrant the legality of this charge, and ſubſcribed their names.

Firſt,

First, I do affirm, and it doth appear by my Argument, that this Case now in question doth not concern nor contradict the matter of the Subscription; for the matter whereunto the Subscription was made, is, That when the good and safety of the Kingdom in general is concerned, and the whole Kingdom is in danger, that then for the defence of the Kingdom from such danger, the King may by Writ impose the provision of Ships with furniture and men.

But if only there be Pirats and Robbers of the Sea, assembled together at Sea to rob, spoil, and take the Goods and Merchandizes that are to be brought into the Kingdom, and safe conducting of the Merchants from spoil, as no other particular thing is alleaged in the Writ of 4. *Augusti*, I think it will be granted that this doth not by our opinions inable the King to make such a general charge upon that occasion.

But if there were an intended Invasion, and that known to the Kings Majesty, whom it concerns most, and upon such an intention, in such a case of necessity, which is and may be termed a time of such danger, as it may be fit to prepare for defence of the Realm, then I am of opinion, that in such a case, all that hath been said, that *Necessitas est Lex temporis*, and *Salus Reipublicæ est summa Lex*, and then *Silent inter arma leges*, might be just causes for that time only to make a preparation of Ships. And in this case here doth not appear that there was not any one Ship provided or prepared by the Sheriff.

The King is the sole Owner and Lord of the Sea, and hath power thereof: And as it was agreed in a notable Case that was adjudged in the Exchequer *Mich.* the fourth year of King *James* against one *Bates*, wherein I was then of Council, the King may lay an Imposition upon Foraign Commodities to be brought into this Realm, for there was five shillings laid upon every hundred weight of Currants, over and besides the two shillings six pence for Poundage: And *Bates* having notice of this Imposition, brought in a Ship fraughted with Currants, and paid the two shillings six pence for Poundage, but refused to pay the five shillings for every hundred weight: And upon information, the Case was argued at the Bar, and at the Bench; and it was adjudged, that the Imposition was lawful, and that the King in his Prerogative had *totum dominium maris*, and that all the Ports were the Kings, and that the King had sole power to restrain or forbid the going beyond the Sea; the sole appointment into what Countries the Merchants should or might trade, and to appoint into what Countries they should not trade. And for these respects, the King was to maintain the Ports, to provide for the safety of the Merchants, and to clear aud scowre the Narrow Seas from Pirats and Robbers, for the doing whereof was added the Tonnage and Poundage by grant in Parliament.

Mich 4. Jac. Bates his Case.

Lastly, These sudden Opinions, when Judges hear no Arguments, are of no such force as to bind them to continue the same opinion: But that when they shall have heard Arguments, and be better informed, they may alter and change, which hath usually hapned. Besides, as it is very well known, we were not all of opinion, but the greater number then concurring, the Subscription was for conformity, as sometimes is used in such cases.

Lastly, It hath been objected, that the Defendant by his general Demurrer hath confessed all the matters to be true, which are surmised in the *Scire facias*.

Object. upon the Defend. general Demurrer.

To

Reſp. 1. To this it is anſwered, That a Demurrer confeſſeth the matters of fact, which are ſufficiently alleaged; but ſuch matters of fact as are not ſufficiently alleaged, thoſe are not confeſſed, but left to the judgment of the Court.

Coke l. 4. f. 43. in *Hudſons* Caſe. Fol. 71. *Hinds* Caſe. 33 & 34 *Eliz.* See theſe Caſes ſo adjudged and reſolved in theſe Books, *Coke Lib.* 4. *fol.* 43. in *Hudſons* Caſe, matter ſufficiently alleaged *eſt confeſſe*: And according to this it is agreed in *Hinds* Caſe, in the ſame Book, *fol.* 71.

The very expreſs Caſe, is that of *Birton* upon Uſury, which was *An.* 33 & 34 *Eliz.* where it is adjudged that the Demurrer confeſſeth nothing that is ſufficiently alleaged; as where a matter of Uſury is alleaged, and is not ſo ſufficiently alleaged, that it appears to be Uſury, the Demurrer doth not confeſs that to be Uſury, as is pretended.

So likewiſe in this Caſe, the Demurrer general doth not, nor can ſupply the defect of the matter which ſhould have been comprized in the Writ of 4. *Auguſti.* The Demurrer confeſſeth that there was ſuch a Writ, but doth neither confeſs the lawfulneſs thereof, nor the defect of the inſufficient alleaging of any matter which ſhould have been contained therein.

And thus with as much brevity and perſpicuity as want of memory, and other infirmities which attend upon my Age would ſuffer me, and without either Preamble or Proteſtation, I conclude with that which my Brother *Berkley* uſed in the beginning of his Speech, That the People of this Realm are Subjects, and not Slaves; Freemen, and not Villains; and therefore not to be taxed *De alto & baſſo*, and at will, but according to the Laws of this Kingdom.

And therefore I conclude, that neither for the matter, nor for the manner, this Writ of *Scire facias* brought in this Court of Exchequer, upon the tenour thereof, can be maintained. And therefore in my opinion I adviſe the Barons to give Judgment accordingly for the Defendant.

This is the ſame which I did deliver in my Argument in the ſame manner that I did argue.

The

The Argument of Sir George Crooke, *Knight, one of the Judges of the Kings Bench, upon the Case of the* Scire facias *out of the Exchequer, againſt* John Hampden, *Eſq;* Decimo quarto Aprilis, Anno Domini 1638.

The Caſe is this upon the Record.

THe King, by Writ under his Great Seal, dated 4. *Auguſti, Anno* 11. of his Reign, directed to the Sheriff of the County of *Bucks*, and to all the men of that County, commandeth them in theſe words :

The motives of the Writ, which are five

1. *Quia datum eſt nobis intelligi, Quòd Prædones quidam Pirati, ac maris Graſſatores, tam nominis Chriſtianæ hoſtes Mahumetani, quàm alii congregati, Naves, ac bona, ac mercimonia non ſolùm Subditorum noſtrorum, verùm etiam Subditorum amicorum noſtrorum in mari, Quòd per gentem Anglicanam ob olim defendi conſuevit, nefariè diripientes & ſpoliantes ad libitum ſuum, deportavere homineſque in eiſdem in captivitatem miſerimam mancipantes,*

2. *Cumque ipſos conſpicimus navigium indies præparantes ad Mercatores noſtros ulterius moleſtand', Et ad regnum gravand', niſi citiùs remedium apponatur, eorumque conatum viriliùs obvietur.*

3. *Conſideratis etiam periculis quæ undique his guerrinis temporibus imminent ; Ita quòd nobis & Subditis noſtris defenſionem maris & regni omni feſtinatione quâ poterimus accellerare convenit.*

4. *Nos volentes defenſione regni, tuitione maris, ſecuritate Subditorum noſtrorum, ſalva conductione navium & merchandizarum ad regnum noſtrum Angliæ venientium, & de eodem regno ad partes exteras tranſeuntium (auxiliante Deo) providere ; Maximè cum nos & Progenitores noſtri Reges Angliæ, Domini maris prædicti, ſemper hactenus extiter', & plurimum nos læder', ſi honor iſte Regius noſtris temporibus depereat, aut in aliquo minuatur.*

5. *Cumque onus iſtud defenſionis quod omnes tangit, per omnes debeat ſupportari, prout per legem & conſuetudinem regni Angliæ fieri conſuevit.*

The charges in the Writ are three.

Vobis præfatis Vicecomitibus, Ballivis, Burgenſ. Majoribus, probis hominibus, & omnibus aliis quibuſcunque ſupramentionat' in Burgis, Villis, Villatis, Hamlettis, & locis ſupradictis, eorumque membris in fide & ligeancia, quibus nobis tenemini, & ſicut nos & honorem noſtrum diligitis : Necnon ſub foriſfactur' omnio quæ nobis forisfacere poteritis firmiter injungemus.

The commands of this Writ, which are five.

Mandamus quòd unam novem de guerra, portagii 450. dolior cum hominibus, tam magiſtris peritis, quàm marinariis volentior & expertis centum & octoginta ad minus, Ac tormentis tam majoribus quàm minoribus, pulide tormentario, ac haſtis, & telis, aliiſque armatoriis neceſſariis pro guerra ſufficien' : Et cum duplici Eſcippamento, necnon victualibus uſque ad primum diem Martii tunc proximè ſequentem, ad tot homines competen' ; & ab inde in viginti & ſex ſeptiman' ad cuſtagia veſtra tam in victualibus, quàm homin' ſalariis, & aliis ad guerram neceſſariis per tempus illud ſuper defenſionem maris in obſequio

noſtro in Comit' cuſtodis maris, cui cuſtodiam maris ante prædict' primum diem Martii committemus, & prout ipſe ex parte noſtra dictaverit moratur parari; Et ad portum de Portſmouth citra dictum primum diem Martii duci faciatis. Ita quòd ſint ibidem eodem die ad ultimum ad proficiſcend' exinde cum navibus noſtris, & navibus aliorum fidelium Subditorum noſtrorum pro tuitione maris & defenſione veſtrum & veſtrorum, repulſioneque, debellationeque quorumcunque Mercatorum noſtrorum, & alios Subditos & fideles prædictos in Dominia noſtra ex cauſa Mercatur' ſe divertentes, vel abinde ad propr' declinantes ſuper mare gravare, ſeu moleſtare ſatagent': Aſſignavimus autem te præfatum Vic' Bucks ad aſſidend' omnes homines in villes de Agmundeſham, Wendov', & Marloe magna, & in omnibus aliis Villis, Villatis, Burgis, Hamlettis, & aliis locis in Com' Bucks, & terræ tenentes in eiſdem navem vel partem navis præd' non habentes, vel in eadem non deſervientes, ad contribuend' expenſ. erga proviſionem præmiſſ. neceſſar.

The end for which this Ship is to be prepared.

The Clauſe of the aſſeſsment for the expences.

Et ſuper prædictas Villas, Villatas, Burgos, Hamlettas, & locos cum membris eorundem, ſic ut præfertur, aſſidend' & ponend' viz. Quemlibet eorum ſuper ſtatum ſuum, & facultates ſuas, & portiones ſuper ipſos aſſeſſat' per deſtrictiones, alioſve modos debitos levand' & Collectores in hac parte nominand' & conſtituend', Ac omnes eos quos rebelles & contrarios inveneris in præmiſſis, in carcere mancipand' in eodem moratur, quouſque pro eorum deliberatione ulterius duxerimus ordinand'.

The purcloſe of the Writ.

Et ulteriùs mandamus quòd citra præmiſſ. diligenter intendatis, & faciatis, & exequamini cum affectu ſub periculo incumbente: Nolumus autem, quòd colore prædicti mandati noſtri, plus de eiſdem hominibus levari faciat, quàm ad præmiſſ. ſufficiat expenſ. neceſſar. Et quod quiſquam qui pecuniam de contributionibus ad prædict' cuſtag' faciend' levaverit, eam, vel parte inde aliquam penes ſe detineat, vel ad alios uſus, quovis quæſito colore appropriare præſumat, volentes quòd ſi plus quàm ſufficiat collectum fuerit, hoc inter ſolventes pro rata portionis ipſis contingen' exſolvat'.

By virtue of this Writ, Mr. *Hampden* is aſſeſſed to twenty ſhillings for his Land in *Stoke Mandivil* in that County, which not being paid, is certified (amongſt others) into the Chancery upon a Writ of *Certiorari*, dated 9. *Martii*, *Anno* 12 *Car.* by a Schedule thereunto annexed: And by a Writ of *mittimus Teſte*, 5. *Maii*, 13 *Car.* this Writ of *quarto Auguſti*, *Anno* 11 *Car.* and the Writ of *Certiorari*, and the Schedule annexed is ſent unto the Exchequer, with a command there to do for the levying of the ſums ſo aſſeſſed and unpaid (*Prout de jure, & ſecundùm legem regni noſtri Angliæ fuerit faciend'.*) Whereupon a *Scire facias* iſſued out of the Exchequer, reciting the ſaid Writs, to warn Mr. *Hampden*, amongſt others, to ſhew cauſe why he ſhould not be charged with this money. Upon this, he being ſummoned, appeareth, and demands the hearing of thoſe Writs and Schedule, which being entred, thereupon he demurreth in Law.

And whether judgment upon this whole Record be to be given againſt *John Hampden*, that he is to be charged or no, that is the queſtion: For he is the only party in this Caſe: And there is no Cauſe, why any man ſhould ſay, that the queſtion is, Whether Judgment ſhould be given for the King, or for the Defendant; for, as this Caſe is, the King is no party to the Record, but only it is a judicial Proceſs out of the Exchequer, grounded upon thoſe former Records for the Defendant, to ſhew cauſe why he ſhould not be charged, which hath been very elaborately argued by the Defendants Counſel (who demurred) that he ſhould not be charged; and by the

Kings

Kings Counſel very learnedly and elaborately argued, that he ſhould be charged.

This Caſe is a caſe of great weight, and the greateſt Caſe of weight that ever we read argued by Judges in this place; and therefore adjourned into this place, for advice of all the Judges: For of the one ſide it is alleaged, that it concerneth the King in his Prerogative and Power Royal; And on the other ſide, that it concerneth all the Kings Subjects in their Liberties, their Perſons, and their Eſtates: For which cauſe, it hath made ſome of us to wiſh and move among our ſelves, that it might have been (by his Majeſties favour) heard and determined in another place by his Majeſty, and his great Council of his Realm: Where all conveniencies and inconveniencies might have been conſidered of, provided for, and prevented for preſent and future times, and not to be argued only by us, who are accompted his Majeſties Counſel at Law; wherein if any thing be done amiſs, the fault muſt light upon us, as miſ-adviſing the King therein: But ſeeing that it hath pleaſed his Majeſty, that the ſame ſhould be argued and determined in this place, whoſe pleaſure we muſt obey, I muſt give my beſt advice upon my Oath to the beſt of my skill; wherein, I hope not to trench upon his Highneſs Prerogative, which we are all bound by our Oaths, to the beſt of our skills, to maintain, and not to ſuffer to be diminiſhed; nor upon his Royal Power: But truly to deliver what I conceive the Law to be, concerning the Caſe in Queſtion.

Wherein I muſt confeſs, I have been much diſtracted, having heard ſo learned Arguments on both ſides at the Bar; and ſo many Records and Preſidents cited on either ſide: But they did not ſo much move me; for the Counſel have on either ſide preſſed ſuch Reaſons and Arguments, and cited ſuch Records, as they thought convenient for the maintaining of their opinions; and perhaps with a prejudicate opinion, as I my ſelf, by mine own experience, when I was at the Bar, have argued confidently: And as I then thought the Law to be of that ſide for whom I argued; but after, being at the Bench, weighing indifferently all Reaſons and Authorities, have been of a contrary opinion: And ſo the Law hath been adjudged contrary to that opinion, which I firſt confidently conceived; but that which hath moved me moſt, and maketh me moſt miſtruſt mine own judgment in this Caſe, is, That all my Brothers (who have all argued upon their Oaths, and, I preſume, have ſeen the Records and Preſidents cited on either ſide) have all argued one way, with whoſe opinions I ſhould willingly have concurred, if I could have ſatisfied mine own jndgment with their Reaſons; but not being ſatisfied, I have learned, that I muſt not run with a multitude againſt mine own Conſcience: For, I muſt ſtand or fall unto mine own Maſter; and therefore I ſhall ſhew mine own Reaſons, and leave my ſelf to the judgments of my Lords, and others my Brethren: And whatſoever ſhall be adjudged, I muſt ſubmit unto, and ſo do wiſh all others; and do now determine mine opinion to be, That, as this Caſe is, judgment ought to be given for the Defendant.

But before I proceed to the Argument, I deſire to remove two difficulties, Firſt, that by the Demurrer the danger of the Kingdom is confeſſed, and ſo to be a Caſe of neceſſity.

To this I anſwer, that the Demurrer confeſſeth not matters in fact, but where the matter is legally ſet down, but if it be not a legal proceeding, then the Demurrer is no confeſſing of the matter in fact.

This appears in the Book Caſe of 5 *Hen.* VII. *fol.* 1. and *Cook, lib.* 5. *fol.* 69. in *Burtons* Caſe, that a Demurrer is no confeſſing in matters of fact; but where the matter precedent is ſufficiently pleaded and laid down, and ſo it is holden in all our Books.

The ſecond difficulty is, that this Caſe is ſo reſolved by all our opinions under our hands, That this Writ was legal, which was much preſſed by Maſter Solicitor.

To this I anſwer, that it is true, I have ſet down mine opinion under mine hand unto a Caſe in *February* 1636. which is, that when the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, his Majeſty may, by Writ under the Great Seal of *England*, command all his Subjects of this Kingdom at their charges to provide and furniſh ſuch number of Ships with Men, Victuall, and Munition; and for ſuch time as his Majeſty ſhall think fit for the defence and ſafeguard of the Kingdom from ſuch danger: And that his Majeſty may compel the doing thereof (in caſe of refuſal and refractorineſs) and that in ſuch caſe his Majeſty is the ſole Judge of the danger, and when, and how the ſame is to be prevented and avoided.

To this opinion, I confeſs, I then with the reſt of the Judges ſubſcribed my hand: But I then diſ-aſſented to that opinion, and then ſignified mine opinion to be, that ſuch a charge could not be laid by any ſuch Writ, but by Parliament; and ſo abſolutely in that point one other did agree with me, and diſſent from that opinion which was after ſubſcribed; and ſome others in ſome other particulars from that which was ſubſcribed: But the greater part ſeeming to be abſolutely reſolved upon that opinion, ſome of them affirming, that they had ſeen divers Records and Preſidents of ſuch Writs, ſatisfying them to be of that judgment, I was preſſed to ſubſcribe with them: For that the greater opinion muſt involve the reſt, as it was ſaid to be uſual in Caſes of references. And that the leſſer number muſt ſubmit to the opinion of the more, although they varied in opinion; as it is in our Courts, if three Judges agree in opinion againſt one or two, where there is five Judges, judgment is to be entred *per Curiam*, if the *major* part agree, and the others are to ſubmit unto it.

So in Caſes of conference and certificate of their opinions, if the greater part did agree and ſubſcribe, the reſt were to ſubmit their opinions: And this (by more ancient Judges than my ſelf) was affirmed to be the continual practice; and that it was not fit, eſpecially in a Caſe of this nature, ſo much concerning the ſervice of the King, for ſome to ſubſcribe and ſome to forbear their ſubſcription. And that although we did ſubſcribe, yet it did not bind any, but that in point of judgment, if the Caſe came in queſtion judicially before us, we ſhould give our judgments as we ſhould ſee cauſe, after the hearing of Arguments on both ſides, and not to be bound by this ſudden reſolution.

Hereupon I conſented to ſubſcribe; but I then ſaid, in the mean time the King might be mis-informed by our Certificate under our hands, conceiving

conceiving us all to agree together, and give him this advice under our hands, and not know that there was any that diſſented, or was doubtful: But it was then ſaid, the King ſhould be truly informed thereof. And thereupon, we that did diſſent, did ſubſcribe our hands with ſuch proteſtations as aforeſaid, onely for conformity, although contrary to the opinion I then conceived.

But this being before Arguments heard of either ſide, or any preſidents ſeen, I hold that none is bound by that opinion: And if I had been of that opinion that was ſubſcribed, yet now having heard all the Arguments of both ſides, and the Reaſons of the Kings Counſel to maintain this Writ, and why the Defendant is to be charged, and the Arguments of the Defendants Counſel againſt the Writ, and their Reaſons why the Defendant ſhould not be charged to pay the money aſſeſſed upon them: And having duly conſidered of the Records and Preſidents cited and ſhewed unto me, eſpecially thoſe of the Kings ſide, I am now of an abſolute opinion, that this Writ is illegal, and declare my opinion contrary to that which is ſubſcribed by us all. And if I had been of the ſame opinion as was ſubſcribed, yet upon better adviſement, being abſolutely ſetled in my judgment and conſcience, in a contrary opinion, I think it no ſhame to declare, that I do retract that opnion: for, *Humanum eſt errare*, rather than to argue againſt mine own conſcience: And therefore now having (as I conceived) removed theſe difficulties, I proceed to my Argument, and ſhall ſhew the Reaſons of mine opinion, and leave the ſame, as I have ſaid, to my Lords and Brethren.

My Reaſons and Grounds that I ſhall inſiſt upon, are theſe:

1. That the command, by this Writ of *Aug.* 4. 11 *Caroli*, to make Ships at the charge of the Inhabitants of the County (being the ground of this ſuit, and cauſe of this charge) is illegal, and contrary to the Common Law, not being by authority of Parliament.

2. That if at the Common Law it had been doubtful, yet now this Writ is illegal, being expreſly contrary to divers Statutes prohibiting any general charge to be laid upon the Commons in general, without conſent in Parliament.

3. That it is not to be maintained by any Prerogative, or Power Royal, nor allegation of neceſſity or danger.

4. That admitting it were legal to lay ſuch a charge upon Maritine parts, yet to charge an Inland County, as the County of *Bucks* is, with making Ships, and furniſhing them with Maſters, Mariners and Souldiers at their charge which are far remote from the Seas, is illegal, and not warranted by any former Preſident, &c.

5. I ſhall examine the Preſidents and Records cited to warrant this Writ, which have been all the principal grounds of the Arguments to maintain the ſame. And I conceive, there is not one Preſident or Record in any precedent time, that hath been produced and ſhewed unto me, that doth maintain any Writ to lay ſuch a charge upon any County, Inland, or Maritine.

6. I will examin this particular Writ, and the ſeveral parts thereof, and do conceive that it is illegal, and not ſufficient to ground this charge upon the Defendant.

1. The Motives of this Writ are not ſufficient to cauſe a Writ to be ſent.

2. The Command of the Writ, to prepare a Ship at the charge of the Inha-

Inhabitants, with Munition and Men, is againſt the Common Law and Statutes.

3. That to lay a charge of finding Victuals, and Wages of Souldiers and Mariners, is illegal, and contrary to the Common Law, and divers Statutes in point.

4. The power of Aſſeſsment given to the Sheriff alone, and to diſtrain for this, is illegal, and not warranted by any Preſident.

5. The power of impriſoning is illegal, and contrary to divers Statutes, and not warranted by the Preſidents.

6. That the Percloſe of the Writ, and the practice of it, is contrary to it ſelf, and *oppoſitum in objecto.*

7. If this Writ were legal, yet the manner of Aſſeſsment by the Sheriff, as it is certified, is not warranted by the Writ: So conſequently this ſum cannot be demanded of the Defendant by virtue of this Writ.

8. That the *Certiorari* and *Scire facias*, iſſued not out legally; and ſo conſequently no judgment can be given againſt the Defendant thereupon.

For the firſt point, that this Writ of *Aug.* 4. 11 *Car.* is againſt the Common Law: my Reaſons are theſe:

1. Becauſe that this is the firſt Writ, ſince the Conqueſt, that went to any Inland County, to prepare a Ship with Men and Munition, for ought appeareth by any Record that hath been ſhewed; and where there was never any preſident before, by the Rule of Mr. *Littleton*, *fol.* 23. the Law is not conceived to bear any ſuch Writ. And Sir *Edward Coke* in his Commentary upon *Littleton*, *fol.* 81. ſaith, that where there is no example, it is a great intendment, that the Law will not bear it.

So I conceive here, there never having been a preſident before of any ſuch Writ to the Sheriff and Inhabitants of a County, to prepare a Ship with Men and Munition, upon any occaſion whatſoever, that it is againſt the Common Law to award ſuch Writs.

2. For that the Common Law of *England* ſetleth a Freedom in the Subjects, in reſpect of their perſons, and giveth them a true property in their Goods and Eſtates, ſo that without their conſent (that is, their actual conſent, or implicit, by a common Ordinance, which they conſented unto by a common aſſent in Parliament) it cannot be taken from them, nor their Eſtate charged. And for this purpoſe the Law diſtinguiſheth between Bondmen, whoſe Eſtates are at their Lords will and diſpoſition; and Free-men, whoſe property none may invade, charge, nor take away, but by their own free conſent. But here in this Caſe is a charge laid upon the Subjects, without their conſent; and therefore not warranted by Law; which is proved by theſe Authorities.

Coke in his *Rep. l.* 8. *f.* 92. in *Francis* Caſe, ſetteth down this Rule, *Quod noſtrum eſt, ſine facto ſeu defectu noſtro amitti, ſeu in alienum transferri non poteſt.*

Mr. *Lambert*, *fol.* 24. ſetting down the Laws of *England* which were confirmed by *William* the Conquerour, hath theſe words: *Inter alia, volumus & concedimus, quod omnes liberi homines Monarchiæ Regni ſui prædict', habeant & teneant, terras ſuas bene & in pace liberas ab omni exactione injuſta, & ab omni Tallagio* (not mentioning there *injuſta*) *Ita quòd nihil ab eis exigatur præter ſervitium juſtè debitum:* Hereby it appears, there is an abſolute freedom from all Tallage. 17 King *John* in *Matt. Paris*, *fol.* 246. The King doth grant and confirm unto his Barons and Commons *inter alia*, theſe Liberties following: *Nullum Scutagium vel auxilium ponamus in Regno noſtro, niſi per Commune Concilium Regni noſtri, niſi ad redimendum corpus noſtrum, filium noſtrum primogenitum mill' fa-*

ciend'

cicnd', vel ad primogenitam filiam noſtram maritand'. By this it appears, what was then conceived to be amongſt others, their Liberties, and then confirmed, which was, that no aid ſhould be put upon them but by Parliament; for the Parliament was then called *Commune Concilium.*

That the Law is ſo, appeareth by the Treatiſe written by *Forteſcue*, who had been Chief Juſtice of *England*, and then Chancellor of *England* in King *Henry* the Sixth's time, when he wrote the Book entituled, *De laudibus Legum Angliæ.* For *fol.* 25. *cap.* 9. he ſaith thus, That the King of *Eugland* cannot alter nor change the Laws of *England* at his pleaſure.

For, *Principatu non Regali, ſed & politico ipſe populo ſuo dominatur:* If his power were Royal onely, then he might change the Laws, *Tallagia quoque & cætera onera eis imponere, ipſis inconſultis*; but adds, that the King of *England, ſine Subditorum aſſenſu Leges mutare non poteſt, nec ſubjectum populum renitentem onerare impoſitionibus peregrinis,* And in *chap.* 13. *fol.*31. he compares the King and Subjects of *England*, to the Head and Body natural, *Ut non poteſt caput corporis Phyſici nervos ſuos commutare, neque membris ſuis proprias vires, & propria ſanguinis alimenta denegare: ſic nec Rex, qui caput corporis politici eſt, mutare poteſt Leges corporis illius, nec ejuſdem populi ſubſtantias proprias ſubtrahere reclamantibus eis, aut invitis:* Thus he in this place: But in *fol.* 84. *cap.* 36. he ſeems to ſay, *In hoc individuo Rex Angliæ nec per ſe, nec miniſtros tallagia, ſubſidia, aut quævis onera alia imponit Legiis ſuis, aut Leges eorum mutat, aut nova condit, ſine conceſſione vel aſſenſu totius Regni ſui in Parliamento ſuo expreſſo:* which words ſeem ſo general, that in no caſe he may do it.

So it appeareth by the Book Caſe, 13 *H.*4. *fol.*14. that the grant of the King which tendeth to the charge and prejudice of his People in general, is not good, unleſs by Parliament. But it is agreed there, that Grants of Tolls, of Fairs, of Pontage, of Pikage, Murage, Ferrying, or ſuch like, which are for the profit, good, and eaſe of them that will take benefit thereof, and not compulſory to any to pay, but to them that will take the benefit of ſuch Fairs,&c. and being very ſmall and reaſonable ſums, the Law doth give allowance unto them: but if they were great ſumms, that tend to the charge of the People, the Law will judge them void.

This appears in Sir *Edward Cokes* Reports, *lib.*5. *fol.*63. in the Caſe of the Chamberlain of *London*, That an Ordinance made by the Common Council of *London*, where they have a Cuſtom by the ſaid Common Council, to make reaſonable Ordinances to bind all within the City concerning Clothes to be brought to *Blackwel-Hall*, there always to be viewed, and meaſured, and ſearched before they were ſold, and a penny appointed for the Officer that did that ſervice; That ſuch a charge was reaſonable, for that it was for the publick benefit of the City and Commonwealth: And a pecuniary penalty laid for not performance of that Ordinance was allowed. *Ibid. fol.*64. in *Clarks* Caſe, is reſolved, That an Ordinance made by the aſſent of the Plaintiff himſelf, and other Burgeſſes for the Town of S. *Albans*, of a ſmall Tax upon the Inhabitants of the Town towards the erection of the Courts, and other neceſſaries for the Term to be kept there; it was allowed to be good, and did bind the Plaintiff, being by the Plaintiffs own conſent, and for the publick good of the Town.

Alſo *Coke, l.*11. *fol.*86. in *Darcies* Caſe, citeth this out of *Fitzherb. Natur. Brev. f.*122. That every Grant of the King, hath this condition in it, tacite or expreſs, *Quòd patria per donationes illas magis ſolito non oneretur, ſeu gravetur.*

And

And as by Grant the King cannot charge his People, ſo neither can he by Writ lay any charge upon his People, but by their conſent, or where they have apparent benefit thereby. And that is the reaſon of the Writ in the Regiſter, *fol* 127. *Fitzherb. Nat. Brev. fol.* 113. where, by breach of the Sea-wall, any inundation of the Country, the King, who is *Pater Patriæ*, and taketh care for the good and ſafety of his People, ſendeth out his Commiſſioners to enquire by whoſe default any ſuch breach happened, and to cauſe all that had Lands and Commons near adjoining, which may have benefit of incloſed Marſhes, or loſs by ſuch Innundation, to be contributary to the making up of the Sea-walls; and this is done by a Jury: But this charge cannot be laid upon a County or Town in general, but particular men that have benefit or loſs, or may have loſs or benefit thereby: And this is done upon enquiry of a Jury before the Sheriff or Commiſſioners appointed,

So it is at this day upon the Commiſſion of Sewers, as appeareth by *Coke, lib.* 10. *fol.* 142. in the Caſe of the Iſle of *Ely*; That the Taxation by the Commiſſioners of Sewers muſt be upon every particular man that hath, or may have loſs or benefit by ſuch Innundations, and making up the Walls, and cannot be laid upon any remote parts, which are out of the level of ſuch loſs or benefit: And it muſt be certain and particular upon perſons certain, by reaſon of Land or Profit, and cannot be laid in general; But in theſe Caſes there is a particular loſs or benefit, and in particular places, and but in petty charges; and then where the Law alloweth that which in reaſon is to be done, that may be done, without a ſpecial Statute; for, *De minimis non curat Lex:* but in this caſe there is a general charge through the Kingdom, which the Law doth not permit without common conſent in Parliament.

Object. But it hath been alledged, that this charge hath been impoſed for the proviſion of the publick ſafety and defence of the Kingdom; And may not this be done, when every one hath advantage by it?

Solut. To this I ſay, When imminent danger and cauſe of defence is, there muſt be defence made by every man (when the King ſhall command) with his perſon; and in ſuch a caſe every man, as it is ſaid in the preſident, is bound *per ſe & ſua* to defend the Kingdom. And I think no man will be ſo unwiſe, but that he will *exponere ſe & ſua* for the defence of the Kingdom, when there is danger; for otherwiſe he is in danger to loſe *ſe & ſua*. But to lay a charge in general upon a Kingdom, either for making or preparing of Ships or Money in lieu thereof, is not to be done but by Parliament, when the charge is to be born in general of all the Subjects.

To prove further, that no man may have his goods taken from him but by his conſent, appeareth by a Record in *Mic.* 14. *E.* 2. *Rot.* 60. in the K. Bench in a Writ of Error brought upon a Judgment given in *Durham*; where, in an Action of Treſpaſs by *W. Heyborne* againſt *W. Keylow*, for entering his houſe, and breaking his Cheſt, and taking away 70*l.* in mony, the Defendant pleading Not guilty, the Jury found a ſpecial Verdict, That the *Scots* having entered the Biſhoprick with an Army into *Durham*, and making great burning and ſpoils, the Communalty of *Durham* met together at *Durham*, whereof the Plaintiff was one, and agreed to ſend ſome to compound with them for money to depart, and were all ſworn to perform what Compoſition ſhould be made, and to perform what Ordinance they ſhould make in that behalf: and thereupon they compounded with the *Scots* for 1600. Marks. But becauſe that was to be paid immediately, they all conſented that *William Keylow* the Defendant, and others, ſhould go into every

mans

mans houſe to ſearch what ready money was there, and to take it for the making of that ſum, and that it ſhould be repaid by the Communalty of *Durham*: And thereupon the Defendant did enter into the Plaintiffs houſe, and did break open the Cheſt, and took the 70. pounds, which was paid accordingly towards that Fine. The Jury were demanded whether the Plaintiff was preſent, and did conſent to the taking of the money; they ſaid, No: Whereupon the Plaintiff had judgment to recover the ſaid 70. pounds and damages; for that otherwiſe he had no remedy for his money ſo taken, and the Defendant committed in execution for the ſame: And thereupon the Defendant *Keylow* brought a Writ of Errour in the Kings Bench, and aſſigned his Errours in point of Judgment, and there the judgment was reverſed:

1. Becauſe the Plaintiff *Heybourne* had his ſufficient remedy againſt the Communalty of *Durham* for his money.

2. Becauſe he himſelf had agreed to this Ordinance, and was ſworn to perform it; and that the Defendant did nothing but that he aſſented unto by his Oath: and therefore is accompted to do nothing but by his conſent, and as a Servant unto him; therefore he was no Treſpaſſer: And therefore the judgment given in *Durham* was reverſed, becauſe he had aſſented to that Ordinance; though he was afterwards unwilling, yet having once conſented, his Goods were lawfully taken: By which it appeareth, that if he had not particularly conſented, ſuch an Ordinance could not have been good to bind him, although this was in a caſe of great danger, and for defence.

In the ſecond Year of King *Richard* the Second, *Pars prima*, The Parliament Roll proved this directly: although it be no Act of Parliament, yet the Record is much to be regarded, for it ſheweth what the Law was then conceived to be: For, *Scroope* the Lord Chancellor then ſhewed to all the Lords and Commons aſſembled in Parliament, that all the Lords and Sages had met together ſince the laſt Parliament, and having conſidered of the great danger the Kingdom was in, and how Money might be raiſed in a caſe of imminent danger, which could not ſtay the delay of a Parliament, and the Kings Coffers had not ſufficient therein; The Record is, That they all agreed, that money ſufficient could not be had without laying a charge upon the Communalty; which (ſay they) cannot be done without a Parliament. And the Lords themſelves for the time did ſupply the ſaid neceſſity with money they lent. Which Record proved directly, that this charge, without an Act of Parliament, is illegal.

So upon this Reaſon I conclude, That this Writ compulſorily to charge the Subjects againſt their Wills, is not warranted by any Books, and therefore illegal.

If this Writ ſhould be allowed, great inconveniencies would enſue, which the Law always will avoid, and not permit any inconveniences.

That if ſuch a charge may be laid upon the Counties by Writ, without aſſent of Parliament, then no man knoweth what his charge may be; for they may be charged as often as the King pleaſeth, and with making as many Ships, and of what burthen, and with what charge of Munition, Victuals, and Men, as ſhall be ſet down: Wherein I doubt not, but if the Law were ſo, the King, being a very pious and juſt King, would uſe his power very moderately; but Judges in their judgments, are not to look to preſent times, but to all future times, what may follow upon their judgments.

That this inconvenience may be, it appears by the Dane-gelt, firſt appointed in time of neceſſity to redeem them from the cruelty of the *Danes*, which often changed, and ſtill increaſed: for in *Anno Domini*, 991. when it began, it was ten thouſand pounds; and *Anno Domini* 994. it was increaſed to Sixteen thouſand pounds; and *Anno Domini* 1002. it was increaſed to Twenty four Thouſand pounds; and *Anno Domini* 1007. it was increaſed to Six and thirty Thouſand pounds; and in *Anno Domini* 1012. it was increaſed to Eight and forty Thouſand pounds. So if this Writ be well awarded, it may be at pleaſure what bounds it ſhall have.

Alſo there were never but one ſingle Subſidy and two Fifteens uſed to be granted in Parliament, until the one and thirtieth Year of Queen *Elizabeth*, and then a double Subſidy and Four Fifteens were granted, Sir *Walter Mildmay*, then Chancellour of the Exchequer moving for it, and ſaying, his Heart did quake to move it, not knowing the inconveniences that ſhould grow upon it; but ſhewed great reaſons for ſo moving of it, being immediately after the Spaniſh Invaſion: and ſo it was granted. Afterwards in the Five and thirtieth Year of Queen *Elizabeth*, treble Subſidies, and Six Fifteens were granted: and in the three and fortieth Year of Queen *Elizabeth*, Four Subſidies and Eight Fifteens; and yet theſe were not accompted grievous, neither would it have been, if it had been Ten Subſidies, becauſe in Parliament, and convenient times and means appointed for the levying of them.

Tonnage and Poundage were granted to this end, 13 *R. 2.* (and have continued ever ſince by ſeveral Grants) that the King might have monies in his Purſe againſt time of need for extraordinary occaſions; eſpecially for the defence of the Realm, and for guarding the Seas, as it is eſpecially declared by the Statute of 1 *Jac.* and former Statutes.

Object. But it is ſaid, that Tonnage and Poundage is not granted now to the King; Therefore the King is enforced to take theſe extraordinary Courſes.

Solut. Though it be not granted, yet I think it is taken; and I doubt not but to the ſame intent, and for the ſame purpoſe for which it was firſt granted; which was for the defence of the Kingdom, and the guard of the Seas.

Therefore in caſe of danger and neceſſity, every Subject, for defence of the Kingdom, is bound *Ligeanciæ debito*, as ſome Records ſay; and *Ligeanciæ ſuæ vinculo aſtricti*, as others ſpeak: *Se & ſua totis viribus & poteſtate exponere, &c.* And in ſuch a caſe the King may command the perſons of his Subjects, and arreſt their Ships to wait on his, to defend the Sea: Yet this alſo (when they go out of their Counties) at the Kings charges. But to command the Subjects by Writ to build new Ships, or to prepare Ships at their charges, or to lay a common charge on the Subjects in general, for matter of defence or avoidance of danger, is not warrantable by the Common Law.

2. Another inconvenience is, That it is left in the power of the Sheriff to charge any mans Eſtate at his pleaſure; taxing ſome, and ſparing others, as his affection leadeth him. And ſometimes by colour thereof, levying more than he need, and enriching himſelf; which power the Law never alloweth him, although it were in leſs matters; as to make an Aſſeſſment for the breach of the Sea-walls, but to do it by a Jury, and not himſelf alone.

So

So for theſe Reaſons I conclude this Writ is againſt the Common Law, and ſo illegal.

For the ſecond point, I conceive, if the Common Law were doubtful in this, whether ſuch a charge might be impoſed by Writ, yet now it is made clear by divers expreſs Statutes, that the King is not to lay any charge upon his Subjects, but by their conſent in Parliament: and that is by many Acts of Parliament in force, and not repealed. And there is no doubt but the Kings by Statute may bind them and their Succeſſors not to lay any ſuch charge, every King being bound by Oath to perform the Statutes of his Realm.

The Statute of 25 *Edw.* 1. which is in theſe words: 25 *Edw.* 1.

Foraſmuch as divers People of our Realm are in fear that the Aids and Taxes which they have given us before time towards our Wars and other buſineſs of their own Grant and Good Will (howſoever they were made) might turn to a Bondage to them and their Heirs, becauſe they might be at another time found in the Rolls; and likewiſe for the Prizes taken throughout our Realm by our Miniſters, We have granted for us and our Heirs, that we ſhall not draw any ſuch Aids, Taxes, or Prizes into a Cuſtom for any thing that hath been done heretofore by any Roll, or any other Preſident that may be found.

Ibidem, cap. 6. *Moreover We have granted for us and our Heirs, as well to Arch-biſhops, Biſhops, Abbots, Priors, and other Folk of Holy Church; As alſo to Earls, Barons, and to all the Communalty of the Land, that for no buſineſs from henceforth we ſhall take ſuch Aids, Taxes, nor Prizes, but by the common aſſent of the Realm, and for the common Profit thereof,* ſaving *the ancient Aids and Prizes due and accuſtomed.* Which are the expreſs words of that Statute. Ibid. cap. 6.

Now what thoſe ancient Aids were, is well known, *viz.* that they were, *ad redimendum corpus, ad filium primogenitum militem facien': Et ad filiam primogenitam maritandam.* Which Aids concern not the Subjects in general, but particular men were liable thereunto by their tenures: ſo this *ſaving* needed not to have been; for the Body of the Act extended not to them, but to general Aids of the Kingdom.

However, if this *Salvo*, as it hath been objected, would preſerve this Aid now in queſtion; yet the Statute made afterwards *de Tallagio non concedendo*, being without any *Salvo*, takes it away: which Statute *Raſtal* in his Abridgment, *fol.* 441. in his Title of Taxes, abridgeth in this manner;

Anno 25 Edw. 1. *It is Ordained, That the Taxes taken, ſhall not be taken in Cuſtom, nor but by the aſſent of this Realm, except the ancient Aids and Taxes.*

And there the Taxes of Wool of forty ſhillings a Sack is releaſed.

Ibidem 2. *That no Tallage by us or our Heirs in our Realm, be put or levied, without the aſſent of the Arch-biſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other Free Commons of our Realm, That nothing be taken from henceforth in the Name, or by reaſon of* Male tout *of a Sack of Wool,* Statutum de Tallagio non concedendo.

Maſter Solicitor laboured much to prove, that there was no ſuch Statute *de Tallagio non concedendo.* *Object.*

1. For that it is not to be found in the Rolls of Parliament.

2. For that it is not ſet down, when it was made.

3. That it was but an Abſtract out of *Confirmatio Chartæ libertatum.*

Maſter Attorney ſaid, he would not deny it to be a Statute, neither would he affirm it; but yet it did not extend to take away the Aid demanded

manded by Prerogative, or Power Royal, for defence of the Kingdom.

Solut. To this I anſwer, that it was never doubted to be a Statute, until this Argument; and that it is a Statute, appeareth;

1. For that it is printed in the Book of Statutes as a Statute.

2. It is recited in the Petition of Right, 3 *Car.* to be a Statute.

3. To that, that it is not found in the Rolls, I anſwer, That many Statutes which are known Statutes, are not found in the Rolls, as *Magna Charta* is not.

And as touching the time, I conceive it to be made in 34 *Edw.*1. *cap.*1. for ſo it is ſet down in the great printed Book of Statutes, *Anno* 1618. to be the firſt Chapter of the Statutes therein made, *viz.* in theſe words:

No Tallage or Aid ſhall be taken or levied by us or our Heirs in our Realm, without the good will and aſſent of Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other Free men of the Land.

And that it is a Statute, all my Brethren the Judges have agreed.

The onely doubt then is, Whether this Statute extendeth to Aids for defence of the Kingdom: which I think it doth; for it is the preciſe words, *That no Tallage or Aid ſhall be taken or levied, but by conſent in Parliament: which extendeth to all manner of Aids.*

Bod. fol. 97. *Edw.* 1. *Bodin* ſaith *fol.*97. by a Law made in the time of *Edw.* 1. that it was provided and enacted, *That no Tax, Tallage, nor Aid, ſhall be impoſed, but by Grant in Parliament.* And by this Law the *Subjects* of *England* have defended themſelves ever ſince, as with a Buckler: whereby it appeareth that notice was taken of this Law in Foreign parts, and ſo held ſtill to be a Statute in force.

14 *Edw.*3. *c.*1. The next Statute is 14 *Edw.*3. *cap.*1. which reciteth the Grant of the great Subſidy of the ninth Fleece of the ninth Lamb, *&c.* (formerly granted) and thereupon theſe words follow:

We, willing to provide for the Indemnity of the ſaid Prelates, Earls, Barons, and other the Communalty of the Realm; and alſo of the Citizens, Burgeſſes and Merchants aforeſaid, will and grant for us and our Heirs, to the ſame Prelates, Earls, Barons, and Commons, Citizens, Burgeſſes, and Merchants, that the ſame Grant ſhall not be had forth in example, nor fall to their prejudice in time to come: Nor that they be from henceforth charged nor grieved to make any Aid, nor ſuſtain charge, if it be not by the common Aſſent of the ſaid Prelates, Earls, Barons, and other Great Men, and Commons of the ſaid Realm of England, *and that in the Parliament: and that all the Profits ariſing of the ſaid Aid, and of Wards Marriages, Cuſtoms, and Eſcheats, and other Profits ariſing of our ſaid Realm of* England, *ſhall be ſet and diſpended upon the maintenance of the ſafeguard of this Realm of* England, *and of our Wars of* Scotland, France *and* Gaſcoin, *and in no place elſewhere, during our ſaid Wars.*

By this Statute it appeareth, that it is expreſly provided, That the Subjects ſhould not be from thenceforth charged nor grieved to make any aid, nor ſuſtain any charge, but by common aſſent, and that in Parliament; which is as expreſs as may be, and excluſive to any charge otherwiſe; which I conceive, was made againſt the appointment of making or preparing, and ſending of Ships at the charges of the Towns whence they were, or ſending Men out of their Counties at the charges of the County.

Now, where it is alledged by my Brother *Weſton*, and my Brother *Berkley*,

Berkley, that this was but a temporary Statute, and ended when his Wars ended, which appeareth by the laſt Clauſe, for employment of thoſe profits of his Wards, *&c.* towards thoſe Wars: I conceive it appeareth to be an abſolute and perpetual Statute; for it is granted for him and his Heirs, which is in perpetuity: And alſo it appears by *Plowd.* his Commentaries, *fol.*457. in Sir *Thomas Wroth's* Caſe, where a grant is by the name of the King, which is in his politick capacity; this extended againſt him, his Heirs and Succeſſors, although they be not named.

Alſo the intendment of this Law appeareth to be for the ſecurity of the Subjects from thenceforth for all future Ages; and then the Office of Judges is, as appears by Sir *Edward Cokes* Reports, *lib.* 3, *fol.* 7. and *Plowdens* Commentaries in *Byſton* and *Studs* Caſe, to conſtrue Statutes according to the true intent of the makers thereof, which was in this Caſe, That it ſhould be a perpetual ſecurity for them, And to little purpoſe it had been to make a Statute to continue but during the time of the Wars.

Alſo where it is alleaged, that the Statute of 14 *Edw.*III. is not mentioned in the Petition of Right, which is ſome Argument that it was not conceived to be a continuing Statute. *Object.*

To that I anſwer, that in that Petition of Right it is ſaid, That by the Statntes there recited, and other the good Statutes of this Realm, the Subjects ſhall not be compelled to contribute to any Tax, Tallage, Aid, nor other like charge not ſet by Parliament, in which this Statute is as well intended, as other Statutes, and as far, as if it had been expreſly cited. *Sol.*

Alſo it appeareth by all the Books of Statutes, that this Statute is Printed as a Statute continuing, whereas others expired, are ſo ſet down as expired.

21 *Edw.* III. *pars* 2. *m.* 11. A Subſidy being granted by Parliament, *viz.* Forty ſhillings of every Sack of Wooll tranſported before *Michaelmas* following, and Six pence of every twenty ſhillings of Merchandize, for the ſafe guarding of the Merchants, defence of the Coaſts, *&c.* 21 *Edw.*3.p.2. m. 11.

After *Michaelmas*, *viz.* 31. *Octob.* 21 *Edw.* III. by Writ the Collectors were commanded to continue the Collection of thoſe Subſidies until *Eaſter*. But 26. *Novemb.* 21 *Edw.* 3. the King by Writ commanded the ſtay of the Collection of the ſixpence in the twenty ſhillings, and to continue the Collection of the Subſidies upon the Sacks of Wool until *Eaſter*.

22 *Edw.* III. Parliament, *mem.* 16. the Parliament being holden in Lent, the Commons complained of this continuance of the Collection of the Subſidy upon the Sacks of Wooll longer than the Parliament had granted it; and provided, that it ſhould not be continued longer than *Eaſter* by the procurement of no perſon. 22 *Edw.* 3. m. 16.

By this it appeareth, that the Parliament being careful, that the time for levying of a Subſidy granted, ſhould not be inlarged by any power, much leſs would they admit of a Writ, to lay a charge without grant by Parliament.

25 *Edw.*III. *m.*8. it was enacted, That no man ſhould be compelled to find men at Arms, other than ſuch as hold by ſuch Services, except it be by common aſſent in Parliament. 26 *Ed.*3.m.8.

By this appeareth, that if men be not compellable to find a man at Arms, unleſs it be by common aſſent in Parliament, much leſs is any bound

bound to be contributory to the preparing of a Ship with 180 men at Arms, and Victuals, and Wages of the Souldiers for a time, unleſs it be by common aſſent in Parliament.

Rot. Parliamenti 2 *Hen.*IV. *nn.*22. (an Act of Parliament, as I account in the very point) is in theſe words: For that of late divers Commiſſions were made to divers Cities and Burroughs within the Realm, to make Barges and Barringers, without aſſent in Parliament, and otherwiſe than hath been done before theſe hours; The Commons do pray the King, that thoſe Commiſſions may be repealed, and that they may not be of any force or effect, to which it is anſwered: That the King willeth, that the ſaid Commiſſions be repealed in all points, which is an abſolute and perfect Statute; but then there is added theſe words: But for the great neceſſity that he hath of ſuch Veſſels for defence of the Realm, in caſe that the Wars ſhall happen, he will treat with his Lords of this matter, and afterwards will ſhew it unto the Commons, to have their counſel and advice in this point: So by this Record it appeareth, that the Commons did conceive, That no Cities, Burroughs, nor Towns, without aſſent in Parliament, were to be charged with the making of ſuch Veſſels, to which the King agreeth. And from that day to this very day, (until the making of theſe Writs) in no Age (although the Kingdom hath been many times in danger of Invaſion, and hath been invaded) there do appear any Records that ever I have ſeen, or any Writs directed to any Towns or Cities, at their charges to make or prepare any Ships or Veſſels whatſoever.

Object. And whereas it hath been objected, and eſpecially inſiſted upon by my Brother *Berkley*, That this latter part (that the King will treat with his Lords concerning them, and after confer with the Commons) is a gentle denial of that Act, as the experience is at this day: *Roy ſe aviſera*, is a denial of an Act.

Solut. Hereunto I anſwer, That it is an abſolute Act; for it is an abſolute aſſent unto the Petition, and that which came after, was but a plauſible excuſe; for that ſuch Commiſſions had gone out, and this further conſultation never appeared to be made, nor ever any ſuch Writ or Commiſſion for ſuch Veſſels to be made, went out ever ſince until this Writ.

13 H.4, nu.10. 13 *Hen.*IV. *nn.*10. A grant is of a Subſidy of Woolls, Woolfels, Hides, and other things there mentioned, and of Tonnage and Poundage for one year, for the defence of the Marches of *Callice*, &c. and for the defence of the Realm, and ſafeguard of the Sea: And therein is this expreſs proviſo, *viz.* Provided always, that this grant of a Subſidy of Wools, *&c.* and of Tonnage and Ponndage in time to come, ſhall not be taken in example, to charge the Lords or Commons of this Realm with any manner of Subſidy, for the ſafeguard of *Callice*, &c. nor for the defence of the Realm, nor for the ſafeguard of the Seas, unleſs it be by the wills of the Lords and Commons of this Realm; and that by a new grant to be made, and that in full Parliament to come. By this it appeareth, that it was then provided, That no charge ſhould be laid upon the Lords or Commons, no not for the defence of the Realm, but by grant in full Parliament.

13 H.4. nu.33. 13 *Hen.* IV. *nn.* 33. A Petition was in Parliament, reciting, that there was an Office granted of *Alnager* within *London*, and the Suburbs of the ſame, with Fees to that appertaining, where any ſuch Office never was, nor any ſuch Fees appertaining thereunto; and that by colour thereof they levy

levy upon the ſale of every Broad-cloth, an half penny of the Buyer, and an half penny of the Seller; and upon ſale of every hundred Ells of Canvas, a penny of the Seller, and a penny of the Buyer, wrongfully againſt the Statute in the time of your Highneſs Progenitors made to the contrary; by which it is ordained, That no Tallage nor Aid ſhall be granted nor levied, without aſſent and conſent of the Lords and Commons of your Realm, as by the ſaid Statute fully is declared: Wherefore they pray, that ſuch Letters Patents thereof made ſhall be void, and holden for none: And this was granted; whereby it appeareth, that it is declared then in Parliament, that theſe Statutes were, and did continue, that no Tallage or Aid ſhall be levied without grant in Parliament.

1 *Rich.* III, *cap.* 2. It is enacted in theſe words: Our Soveraign Lord the King remembring how the Commons of this Realm by new and unlawful inventions, and inordinate covetiſe againſt the Laws of this Realm, have been put to great ſervitude, and importune charges and exactions; and eſpecially by a new impoſition, called a *Benevolence*, whereby divers Subjects of this Land againſt their Wills and Liberties have paid great ſums of money, *&c.*

It is enacted and ordained, That the Subjects and Commons of this Realm from henceforth ſhall in no wiſe be charged by ſuch charges or impoſition, called a *Benevolence*, or by ſuch like charge: And that ſuch exactions, called a *Benevolence*, before that time taken, ſhall be taken for no example, to make any ſuch, or any like charge of any his Subjects of this Realm hereafter; but ſhall be damned and adnulled for ever.

By this it appeareth, that it is expreſly provided, That the Subjects ſhall not be charged by way of *Benevolence*, which is in nature of a free gift, or ſuch like charge, that is, no charge of money ſhall be upon the Subject for any pretence whatſoever, be it for defence in time of danger, or the guarding of the Seas.

The laſt and concluding Statute is the Petition of Right, made in the third year of his Majeſties Reign, where reciting, that it was enacted by a Statute made in the time of *Edward* the Firſt, commonly called, *Statum de Tallagio non concedendo*, that no Tallage or Aid ſhall be laid or levied by the King or his Heirs in this Realm, without the good will and aſſent of the Archbiſhops, Biſhops, Earls, Barons, Knights, and other the Freemen of the Communalty of this Realm: And by a Statute of 25 *Edw.* III. That none ſhall be compelled to make any loans to the King, becauſe ſuch loans were againſt reaſon, and the franchiſe of the Land: And by another Statute, That none ſhall be charged by any impoſitions, called a *Benevolence*: By which Statutes, and other the Statutes of this Realm, your Subjects have inherited this freedom. That they ſhall not be compelled to contribute to any Tax, Tallage, Aid, nor other like charge not ſet by Paliament: And then they pray, that none hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or any ſuch like charge, without common conſent by Act of Parliament.

And after five other things there mentioned, the concluſion is, All which they pray as their Rights and Liberties: Unto which the King anſwers, Let right be done, as is deſired, which is a full and perfect Statute, ſhewing in this point the Liberties of the Kingdom prayed and allowed, which was not done without the advice of the Judges then being, whereof I was one; whoſe opinions were then demanded, and reſolved, that the ſame did not give any new Liberty, but declared what

what the Liberty of the Subject was in this amongſt others, that they ſhould not be compelled to be contributory to any Tax, Tallage, Aid, nor any like charge not ſet by Parliament.

By reaſon of all which Statutes, eſpecially of thoſe of 25 *Edw.* I. 34 *Edw.* I. and 14 *Edw.* III. being in the Negative and in force, I conceive that thoſe Writs, to lay ſuch a charge, is againſt the Law, and ſo the aſſeſsment by colour thereof not lawful.

Object. Now, whereas the precedent Arguments have been, that the Kingdom being in danger, therefore theſe Writs went forth for the making of Ships, becauſe there could not be ſo ſuddenly any Parliament called: And the Parliament is a ſlow body; and the Kingdom may be loſt, whileſt there is conſultation: And the danger is conceived to be very great, becauſe the firſt Writ of 4. *Auguſti* ſo mentioneth, that the Pirates provide a great Navy to infeſt the Kingdom, and it is fit with ſpeed to provide a remedy; and that the Writ of *Mittimus* mentioneth, that *Salus Reipublicæ periclitabatur*: And we muſt believe theſe ſuggeſtions to be true; for the Kings Certificate by this Writ is, *Recordum ſuperlativum*, as Maſter Solicitor and my Brother *Berkley* termed it; and we muſt leave it upon the Kings conſcience (if it be not true) to lay ſuch a charge upon an untrue ſuggeſtion: And the Defendant alſo by his Demurrer hath confeſſed all the ſuggeſtions in the Writ to be true; therefore it muſt be conceived, that the Kingdom was in great danger, and preſent remedy muſt be had by making theſe Ships, and may be commanded by thoſe Writs, and not to ſtay for a Parliament: And my Brother *Crawley* ſaid, It may be, that if a Parliament were called, they will not yield to the going forth of ſuch Writs, although the Kingdom were never ſo much in danger: And this charge, in reſpect of the making of defence, is not within the intention of theſe Statutes; and if it had been expreſly mentioned within a Statute, that ſuch a charge ſhould not be impoſed, it had been a void Statute, and contrary to the Law, that the Kingdom ſhould not be defended.

Solut. 1. To all theſe I anſwer, That the matter now in queſtion is upon the Writ of 4. *Auguſti.* whether that be legal, or not; and the ſuggeſtions therein be ſufficient or not for the Writ of *Mittimus*, mentioning that *Salus Reipublicæ periclitabatur*, at the day of iſſuing forth the Writ of 4. *Auguſti* (which is a year and a half after the firſt Writ) doth not help it, And this is not notified to the Sheriff and Inhabitants of the County, to make them the more careful, and in the greater contempt, if a Ship were not provided: But it is only a notification to the Barons of the Exchequer, that the ſame was the reaſon why the ſaid Writ iſſued forth.

2. That the ſuggeſtions are not abſolute, that any ſuch danger was, or ſuch Navy was prepared by the Pirates, but only mentioneth, *Quia datum eſt nobis intelligi*, that the Pirates had done ſuch miſchief, *&c.*

3. If ſuch ſuggeſtions had been abſolutely ſet down, yet we are not always bound abſolutely to believe them, becauſe many times untrue ſuggeſtions are made in Writs and Patents; and yet it doth not lie upon the Kings conſcience, neither doth the Law impute any fault to the King, if any ſuch be; for the Law doth always conceive honourably of the King, that he cannot, nor will not ſignifie any untruth under his Great Seal; but is abuſed therein, and the Law imputeth it to them that ſo miſ-informed the King, and thruſt in ſuch ſuggeſtions into the Writ:

And

And therefore all Patents grounded upon untrue ſuggeſtions are accounted void.

4. That the Demurrer confeſſeth nothing but that which is legally and well ſet down; but if it be illegal, the Demurrer confeſſeth it not, but is well offered for that cauſe.

5. If the Kingdom were in danger, yet a charge muſt not be laid in general upon the Subjects, without their conſent in Parliament; for either the danger is near, and then preſent proviſion muſt be made by mens perſons, and the preſent Ships of the Kingdom, which the King may command from all parts of his Kingdom, as need ſhall require; but cannot command money out of mens Purſes, by diſtraining their goods, or impriſoning their perſons: But if the danger be further off, by reaſon of any forein combinations (as it is conceived it may be here) then proviſion muſt be made of Ships by all the Kingdom for defence; then (as *Philip de Comines* ſaith, *fol.* 179.) that cloud is ſeen afar off, before that the tempeſt fall, eſpecially by a forein War; and ſuch invaſions cannot fall ſo ſoon, but that the King may call his Sages together, and by conſent make proviſion for ſuch defence.

So I ſay here, if there be time to make Ships, or prepare Ships at the charges of the Counties; then is there time enough for his Majeſty (if he pleaſe) to call his Parliament, to charge his Commons by conſent in Parliament to have a ſubſidiary Aid, as always hath been done in ſuch caſes; and they are not ſo long coming or meeting, when they come but to make proviſion for defence, being all their ſafeties,

For it appeareth by *Coke*, *lib.* 9. *fol.* 1. in his Epiſtle, that King *Alfred* made a Law, that the Parliament ſhould be held twice every year; and oftner, if need require, in time of peace: Sothat it was then conceived, it was neceſſary to have Parliaments often to redreſs inconveniences. *Cok.* lib. 9. f. 1.

Alſo by a Statute made 4 *Edw.* III. *cap.* 14. It is enacted, that a Parliament ſhall be held once every year, and oftner, if need be: Alſo by a Statute made 36 *Edw.* III. *cap.* 10. It is enacted, for redreſs of miſchiefs and grievances that daily happen, a Parliament ſhall be holden every year; as another time was ordained by a Statute, which I think referreth to 4 *Edw.* III. Alſo it appeareth by the ſpeed that was in the Parliament held in the third year of his Majeſties Reign, five Subſidies were granted, two of them to be paid within few days after the Seſſion of Parliament ended; and therefore might (as this caſe is) been ordered and provided for by Parliament, within ſeven months, as the time was between the Teſte of the Writ, and the time prefixed for Ships to be prepared and ſent. 4 *Ed.* 3. ca. 14. 36 *Ed.* 3. c. 10. 4 *Edw.* 3.

Where it is objected, that the Parliament perhaps would not have conſented, and ſo the Kingdom might have been loſt.

It is anſwered, That it is not to be preſumed, that the Parliament would deny to do that which is fit for the ſafety and defence of the Kingdom, their own Eſtates and Lives being in danger if the Kingdom were not ſufficiently defended; for it is a Rule, *Nihil iniquum eſt præſumendum in Lege*: So of the High Court of Parliament, that they would not deny that which is fitting: But I confeſs I do think, if it had been moved in a Parliament, they would never have conſented to theſe Writs, they never having been awarded before ſince the Conqueſt; and if they had conſented, they would have taken a courſe how the ſame ſhould have been made with moſt conveniency, and not to leave it to the Sheriff to tax them when and how he would.

7. To that which hath been ſaid, That this charge is not within the intention of the Statutes, and that a Statute to prohibit ſuch a charge for defence were void: I anſwer, That it is true, if a Statute were that the King ſhould not defend his Kingdom, it were void, being againſt Law and Reaſon; but a Statute that Money ſhall not be charged or levied, nor that men ſhall be charged to make or prepare Ships at their own charges, without common conſent in Parliament, I conceive it a good Law, and agreeable to Law and Reaſon; and the King may by Parliament reſtrain himſelf from laying ſuch a charge but by conſent: And then the King, being a juſt and pious King as ever governed the Kingdom (which we that ſerve in his Courts of Juſtice have daily experience of) would not aſſent unto, or ſuffer any ſuch charge (if he may be truly informed) that the impoſing of this charge were againſt any one Law of his Kingdom, as this is againſt ſo many; but would ſay, as it is ſaid in the Statute made in the 25 *Edw.* III. *de proviſoribus*, reciting the Statute of *Carlyes*, made 35 *Edw.* I. That the Pope ſhould not be permitted to preſent to Benefices, That he was bound by his Oath to ſee that and other Laws in force, and not repealed, to be performed, That he would not ſuffer ſuch charges to be laid, contrary to the Laws and Statutes of his Realm; and would do as the late famous Queen *Elizabeth* did, having required a charge upon divers her Subjects by particular Letters from the Lords of her Council of ſeveral ſums of money, for preſent help towards her Wars in *Ireland*, hearing that one of her Judges being convented before her Lords for not payment of it, thereby diſcouraging others to pay it, anſwered, that it was againſt the Law that the ſame ſhould be impoſed, there being an expreſs Statute againſt it, which he being a Judge, was bound by his Oath to ſignifie; he being, as much as in him was to be, a conſervator of the Queens Oath in that behalf: The Queen, I ſay, was very angry, that ſuch an impoſition had been made againſt Law, and commanded, that it ſhould be ſtopped from further gathering, and to ſome that had paid their Moneys, the ſame were reſtored: And therefore the principal and only fault in the charging of his Subjects by theſe Writs (if they be unlawful, as I conceive they are) is in thoſe that deviſed them, and informed him that they were lawful, and ſuch as his Progenitors had from time to time uſed to ſend out; and in his Judges, who have affirmed it to be lawful: Therefore upon this point I conclude, That this charge by this Writ is illegal, and is no ſufficient cauſe to charge the Defendant.

Id eſt, Walmeſley, & come Hutton, Glanvil auxi.

Object. Where it hath been much urged and argued by Maſter Solicitor and Maſter Attorney, that this Writ is warranted by the Kings Prerogative and power Royal, to ſend forth ſuch Writs for defence and ſafety of the Kingdom in time of danger.

Solut. To this I anſwer, That I do not conceive, that there is any ſuch Prerogative; for if it were a Prerogative, I ſhould not offer to ſpeak againſt it, For it is a part of our Oaths that are Judges, to maintain the Kings Prerogative to the beſt of our skills, and not to ſuffer the ſame to be diminiſhed; but if it be (as I have argued it is) againſt the Common Law, and againſt ſo many Statutes, that the Subjects ſhould be inforced to ſuſtain, or to contribute to any charge, without their eſpecial aſſent, and common aſſent in Parliament, then there is no ſuch Prerogative: For whatſoever is done to the hurt or wrong of the Subjects, and againſt the Laws of the Land, the Law imputeth that Honour and Juſtice to the King (whoſe Throne is eſtabliſhed by Juſtice) that it is not done by the King,

King, but it is done by ſome untrue and unjuſt Informations; and therefore void, and not done by Prerogative.

This appeareth by the authorities of our Books; for *Bracton* who is an ancient Writer in our Law, ſaith, *Nihil aliud poteſt Rex in terris, cum ſit miniſter Dei, & ejus Vicarius, quàm de jure poteſt:* And there a little after, *Itaque poteſtas ſua juris eſt, & non injuriæ; cum ſit author juris, non debet inde injuriarum naſci occaſio unde juris naſcuntur.* Sir *Edw. Coke* in the eleventh Book of his Reports, in the Caſe of *Magdalen* Colledge, where the queſtion was, Whether Queen *Elizabeth*, having taken a long Leaſe of a Colledge, being conceived to be againſt the Statute of 13 *Eliz.* was ſought to be maintained by her Prerogative; but reſolved it could not, being againſt a Statute, by which ſhe was bound, although not named; and there *fol.* 72. it is ſaid, *Hoc ſolum Rex non poteſt facere, quod non poteſt juſtè agere.*

Bract. lib. 3. fol. 107.

Plowdens Comment, *fol.* 246. & 247, in the Lord *Berkley's* Caſe it is ſaid, that the Prerogative of the King cannot do wrong, and his Prerogative cannot be any warrant to do any wrong to any.

Plowd. Com. fol. 246, 247.

Plowdens Comment, *fol.* 487. in *Nichols* Caſe, it is ſaid by Juſtice *Harper*, Although the Common Law doth allow many Prerogatives to the King, yet it doth not allow any that he ſhall wrong or hurt any by his Prerogative.

Plowd. Com. fol. 487.

21 *Edw.* III. *fol.* 47. in the Earl of *Kents* Caſe it is ſaid, That if the King under his Great Seal do make any grant to the hurt of any other, he ſhall repeal and avoid it *Jure Regio*; for the King is accounted to be abuſed by untrue ſuggeſtions, when he is drawn to do any wrong to the hurt of any other, much more, I ſay, when he is drawn to do any thing to the hurt of his Subjects in general.

21 *Ed.* 3. f. 47.

Sir *Edward Coke*, *lib.* 11. *fol.* 86. in *Darcies* Caſe it is ſaid, That every grant of the King hath this condition unto it, *Tacitè* or *expreſſè*: *Ita quòd Patria per donationem illam magis ſolito non oneretur ſeu gravetur.*

Cok. l. 11. f. 86.

The Book called *Doctor* and *Student*, *fol.* 8. ſetting down, that the Law doth veſt the abſolute property of every mans goods in him, and that they cannot be taken from him, but by his conſent, ſaith, That is the reaſon, if they be taken from him, the party ſhall anſwer the full value thereof in damages: And ſure I conceive, that the party that doth this wrong to another, ſhall, beſides the damages to the party, be impriſoned, and pay a Fine to the King, which in the Kings Bench is the tenth part of as much as he payeth to the party: So then, if the King will puniſh the wrong of taking of goods without conſent between party and party, much more will he not by any Prerogative take away any mans goods without his aſſent, particular or general.

Doct. & Stud. fol. 8.

So I conclude, that I conceive there is not any ſuch Prerogative, to award ſuch Writs, to command men to ſuſtain ſuch charge, or to be contributory to it, and to be diſtrained or impriſoned for not payment thereof.

Alſo I conceive, that this is not an Act of Royal power; for if it be illegal to impoſe ſuch a charge, then is it not accounted as a matter of Royal power, but as a matter done upon an untrue ſuggeſtion, and a matter of wrong done; and wrong is not imputed to the King, for he can do no wrong, but it is imputed unto them who adviſed him to this courſe.

Royal power, I account, is to be uſed in caſes of neceſſity and imminent danger, when ordinary courſes will not avail; for it is a Rule, *Non*

recurrendum eſt ad extraordinaria, quando fieri poteſt per ordinaria; as in caſes of Rebellion, ſudden Invaſion, and in ſome other caſe, where Martial Law may be uſed, and may not ſtay for legal proceedings; but in a time of peace and no extreme neceſſity legal courſes muſt be uſed, and not Royal power.

31 H.8.c.8. Therefore, where by the Statute of 31 *Hen.* VIII. *cap.*8. which was made upon ſuppreſſion of Abbies, when Rebellions were begun to be ſtirred, it is recited, That ſudden occaſions happen which do require ſpeedy remedies, and for lack of a Statute the King was inforced to uſe Royal power; it was enacted for the reaſons therein mentioned, That the King, by the advice of his Council therein named, two Biſhops, two chief Juſtices, and divers others, and the more part of them, by his Proclamation might make Ordinances for puniſhment of offences, and lay Penalties, which ſhould have the force of a Law (with a Proviſo, that thereby no mans Life, Lands, or Goods ſhould be touched or impeached:) So that therein Royal power was fortified by a Statute; yet that Statute took care, that no Lands or Goods ſhould be taken or prejudiced: But yet that Statute was thought inconvenient, and therefore by a Statute of

1 *E.* 6. 1 *E.* VI. the ſame was repealed.

Bract. l.2.c.24. fol. 55. *Coke* l. 7. fol.11. *Bracton, lib.*2. *cap.*24. *fol.*55. and the ſame is cited in *Coke, lib.* 7. *fol.*11. in *Calvins* Caſe, *Regis Corona eſt facere juſtitiam & judicium, & tenere pacem, ſine quibus Corona conſiſtere non poteſt, nec teneri.*

Coke l.7.fol.5. *Coke, lib.*7 *fol.*5. in *Calvins* Caſe, cited out of *Forteſcue, Rex ad tutelam Legis, corporum, & bonorum erectus eſt*; which being ſo, he cannot take any mans Goods, or charge them without his aſſent, by any Prerogative or power Royal.

Alſo there can be no ſuch neceſſity or danger conceived, that may cauſe theſe Writs to be awarded to all Counties of *England*, to prepare Ships at ſuch charge, and with ſuch Men and Munition, without conſent in Parliament.

For the Laws have provided means for defence in time of danger without taking this courſe, for that the King hath power to command all, or any Perſons of his Kingdom, to attend with Arms at the Sea-coaſts, or any other parts of the Kingdom; and alſo by his Officers to make ſtay or arreſt all or any the Ships of Merchants, and others having Ships, or as many as he pleaſeth, to go with his Navy to any parts of his Kingdom for defence thereof, and to attend thoſe to whom he appointed the guard of the Sea or Sea-coaſts, at ſuch times and places as they ſhould appoint: And this hath been always taken and conceived to be ſufficient for defence againſt any Prince whatſoever; and yet the ſame was in times when the Navy of *England* was not ſo ſtrong, as now by the bleſſing of God, and good providence of his Majeſty it is: That this courſe was then ſo taken, it appeareth by divers Records, *viz.*

23. *Ed.* I. *m.*4. 23. *Edw.* I. *m.*4. The Record reciteth, that the French King had prepared a great Navy upon the Sea, and purpoſed to invade the Kingdom, *Et linguam Anglicanam de terra delere*; and thereupon the King commanded all his Ships and Men with Arms to be in a readineſs to defend the Kingdom.

10 *Ed.*3. m.16. *Scot.* 10 *Edw.*III. *m.*16, reciteth, that certain Gallies in the parts beyond the Seas were prepared with proviſion of Men and Arms, and other neceſſaries of War, and ready to invade the Land; command was, that divers Ships ſhould be in a readineſs to defend, and the Ships of the Ports of *Ireland* to be ſent to *England* to help to defend the Kingdom.

Scot.

Scot. 10 *Edw.*3. *m.*22. A Writ was to the Bailiff of *Southwales*, reciting, that the *Scots* and divers others confederating together, prepare themſelves to Arms and Ships in a great number, and intend to invade the Kingdom; command to them was, to have one Ship ready upon the Sea to defend their Coaſts. 10 *Ed.*3.m.22.

Alman. 12 *Edw.* 3. *m.* 10. A Writ to the Major of *London*, *Quia hoſtes noſtri in Galliis, cum multitudine non modica congregati, in diverſis partibus regni hoſtiliter ingreſſi ſunt, & civitatem prædict' celeriter ſi poſſunt invadere proponunt*; The King commandeth them to ſhut up the City towards the Water, and to put all their men in Arms, ready to defend; *&c.* 12 *Ed.*3.m.10.

Alman. 12 *Edw.* 3. *m.* 13. A Writ to the Bailiffs of *Great Yarmouth*; *Quia pro certo didicimus, quòd hoſtes noſtri Franciæ, & adhærentes eiſdem, Gallias & Naves guerrinas in copioſa multitudine in partibus exteris congregarunt, & eis hominibus, ad arma, & alia arma parare faciunt, & proponunt ſe movere verſus regnum noſtrum, & navigium regni noſtri, & portus prope mare ſcituat' pro viribus deſtruere, & idem regnum invadere, &c.* Command to the ſaid Town to prepare four Ships, with two hundred and forty men, *&c.* At the ſame time, like Writs went out to twenty other Towns upon the Sea-coaſts. 12 *Ed.*3.m.13.

Franc. 26 *Edw.* 3. *m.* 5. A Writ to the Earl of *Hunt.* and others; *Quia adverſarii noſtri Franciæ, Nos & Regnum noſtrum invadere machinantes, magnum navigium parari fecer' & armari, nedum ad Regnum noſtrum Angliæ ſubitò attrahend', ad nos & dom. noſtr', & totam nationem Anglicanam pro viribus ſubvertend'*, &c. Commanding them to guard all the Coaſts of *Kent*, and to array all able men with Arms, to be ready to defend the Sea-coaſts. 26 *Ed.*3.m.5.

5 *Henr.*4. *m.*28. A Commiſſion is to *Thomas Morley*, and others; *Quòd cum inimici noſtri Franciæ, Britan. Scotiæ, & alii ſibi adhærentes, inter ſe obligat' magna potentia armat' ſuper mare in æſtate proxim' futur' ordinaverunt, & intendunt Regnum noſtrum Angliæ invadere*, &c. Commanding them to array men with Arms to defend, *&c.* 5 *H.*4. m.28.

4 *Henr.* 8. *Pars* 2. The King by Proclamation into the County of *Kent* ſheweth, that it is come to his knowledge of certain, that his ancient Enemy the *French* King, hath prepared and put in readineſs a great and ſtrong Navy, furniſhed with Men of War to invade the Kingdom of *England*, the King appointed the Lord of *Alburgeny* and others, to put men in array, and to be ready to defend that County. 4 *H.*8.p.2.

Anno 1588. when the great Invaſion was by the Navy termed the Invincible Navy, which was foreſeen long before, this courſe of preparing Ships by every County of the Kingdom, was not taken or appointed; yet in all theſe times, when there appeared ſuch danger of Invaſions, there never went any ſuch Writs into any the Counties of *England* to provide Ships, but the Navy of *England*, and the Army of *England* was always accounted ſufficient for the defence of the Kingdom. So I conclude this point, that I conceive this courſe cannot be taken by any Prerogative or Royal power, nor any allegation of neceſſity or danger.

4. For the fourth point, I conceive that if it were legal to lay ſuch a charge upon Maritine parts, yet to charge any Inland County with making of Ships, and furniſhing them with Maſters, Mariners, and Souldiers at their charge, which are far remote from the Seas, is not legal, nor warranted by any former preſident; for it commandeth an unreaſonable and impoſſible thing: And then the Writ commanding ſuch a thing as is unrea-

unreaſonable and not poſſible for the parties commanded of themſelves to perform, without help of other Counties, is always illegal; for it is a Rule, that *Lex non cogit ad impoſſibilia*; therefore if one by Covenant bind himſelf to do a thing impoſſible, the Covenant is void. This appears by the Book-Caſe in 40 *Edw.*3. *fol.*6. where the Caſe is expreſly, that if a man do covenant to do a thing that is impoſſible, the Covenant is void, and the deed is void in that reſpect. Alſo the Book in 2 *Ed.* 4. *fol.*2. If a Feoffment be made upon Condition to be void if the Feoffee do not a thing which is impoſſible, this Feoffment is good, and the condition void, for it was the fault of the Feoffor to annex ſuch a condition; and this appeareth by the caſe of an Arbitrement. If the Arbitrator award that one ſhall enter into Bond with ſuch a one as his Surety to pay a ſum of Money, or to do any other act, it is void as to the finding of a Surety at the leaſt; for it is not in his power to compel him to be his Surety, therefore the Law accounteth it unreaſonable, and ſo void. And this appeareth by the Book-Caſe, 17 *Edw.* 4. *fol.* 5. wherein it is ſo reſolved.

So this Writ commanding the Sheriff and Inhabitants of an Inland County to find a Ship furniſhed with Maſters and Mariners, whereas there is not any Shipwright that hath skill to make Ships, nor any Maſters or Mariners ever there inhabiting to guide a Ship; (for they are ſtill converſant about matters of the Plough, and feeding Cattel, and Husbandry, and are trained up by Muſters for skill of Arms to defend the Countries, and not with Sea affairs; for moſt of the County never ſaw a Ship, nor know what belongeth to Maſters or Mariners of Ships; and the Country is not bound to ſeek out of the County for ſuch men, and perhaps if they ſhould, they cannot know where to hire them:) Therefore when ſuch Writs to Inland Counties have been awarded to find a Ship with Maſters and Mariners, it being conceived by miſ-information that they were Maritine Towns, and had Ships and Mariners dwelling with them, the truth thereof being made appear to the contrary, they have been diſcharged, as appears by a Record in 13 *Edw.*3. *pars* 2.*m.*14. where a Writ went to the Admiral of the Fleet, thoſe parts upon complaint to the King, by the men of *Bodmin* in the County of *Cornwal*, that they were unjuſtly charged to find a Ship with Maſters and Mariners, whereas that Town was no Port Town, nor adjoining to the Sea, but far within the Land, nor ever had Ships lying there, nor Mariners, nor Seamen, nor ever uſed to find any ſuch for Sea ſervice; and that their Major and Officers were impriſoned for not finding ſuch a Ship; thereupon the King appointed to have it enquired, whether their allegations were true, and if it were true, ſignified that he would not have them ſo unjuſtly charged, but that they ſhould be diſcharged thereof: which ſheweth that it was then accounted unjuſt to lay ſuch a charge upon a Town, that was an Inland Town, and had no Mariners inhabiting in it; much more when ſuch a charge is upon an Inland County, which is much further remote from the Sea, and cannot perform by themſelves that which the Writ commandeth.

But this Record being objected by the Defendants Counſel, Maſter Solicitor gave Anſwer, that the ſame was becauſe the Admiral of his own Authority had charged them, which was not according to his Commiſſion, for he was onely to charge the Ports and Sea Towns; but that the ſame may not be done by the Kings Writ, the Record doth not prove.

But to this I Anſwer, That I conceive it is all one when ſuch a charge

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is laid upon a Town by Writ, which is an Inland Town; for ſo it appeareth by another Record of the ſame Year, *viz.* 13 *Edw.*3. *pars* 1. *m.*14. where a Writ was directed to the Admiral of the Fleet, *Ab ore Thameſiæ verſus partes Occidentales*, reciting where the King by his Writ to the Town of *Chicheſter*, had commanded the Major and Communalty there, that they ſhould make *unam Navem, & duos Eſculorios de guerra parari*, with Mariners and Men at Arms to be at *Portſmouth* ſuch a day, to go with the Kings Ships; and that they had complained that they had not, nor ever had any Ships arriving in that Town, nor had any Sea-men or Mariners dwelling there; and that it appeared unto the King by Inquiſition of a Jury returned into his Chancery, this Allegation to be true: Therefore becauſe the King would not have them *indebitè prægravari* (for ſo be the words of the Record) the King commandeth the Admiral that they ſhall not be troubled nor diſtrained for not performance of ſuch ſervice; whereby it appeareth, that if they, being within few miles of the Sea, ſhould not be charged to find ſuch a Ship, much more Inland Counties, which are much further remote from the Seas, are not juſtly to be charged with finding any Ships and Mariners: Therefore I conclude this point, that I conceive this Writ, in that reſpect, is not legal, nor warranted by any former Preſident.

The fifth and great Point hath been (and indeed the chief Argument hath been a multitude of Records and Preſidents which have been cited, that ſhould warrant theſe Writs, and) that the King hath done nothing, but what his former Progenitors have done, and have lawfully done, and that he doth now but *more majorum*, and that which always in ancient times hath been done and allowed; and therefore ought now to be allowed.

I confeſs this Allegation much troubled me, when I heard thoſe Records cited, and ſo learnedly and earneſtly preſſed by Mr. Solicitor, and afterwards by Maſter Attorney, to be ſo clear, that they might not be gainſaid; but that they proved a clear Prerogative, or at leaſt a Royal power, that the King might do ſo, eſpecially when my Brother *Weſton* and my Brother *Berkley*, who had ſeen the Records, preſſed them, and relied upon them for the reaſons of their judgments, I ſay, I was much doubtful thereupon, until I had peruſed all thoſe Records ſent me by the Kings Counſel, and ſatisfied my judgment therein.

But now I anſwer, That if there were any ſuch Preſidents (as I ſhall ſhew that there is not one ſhewed to me to prove this Writ to be uſual) yet it were not material, for now we are not to argue what hath been done *de facto*, for many things have been done which were never allowed; but our Queſtion is, What hath been done, and may be done *de jure*: And then, as it is ſaid in *Coke lib.*4.*fol.*33. in *Mittons* Caſe, *Judicand' eſt legibus, non exemplis*: and *lib.*11. *fol.*75. in *Magdalen* Colledge Caſe it is ſaid, *Multitudo errantium non parit errori patrocinium*: and *l.*4.*f.*94. in *Slades* Caſe. Multitude of Preſidents, unleſs they be confirmed by Judicial proceedings in Courts of Record, are not to be regarded; and none of theſe were ever confirmed by Judicial Record, but complained of.

But to give a more clear anſwer unto them, I ſay, that in my opinion, upon view and ſerious reading of all the Records that have been ſent me on the Kings part (for I have read them all over *verbatim*) and I preſume they ſent all that were conceived to be material; and I having taken notes of every one of them, and diligently conſidered of them, I con-

conceive there is not any Preſident or Record of any Writ which maintains this Caſe; for there is not any Preſident or Record of any ſuch Writ ſent to any Sheriff of any Inland County, or Maritime County, to command the making of Ships at the charge of the County, but this is the firſt Preſident that ever was ſince the Conqueſt, that is produced in this kind. But it is true, that before 25 *Ed.* 1. there have been ſome Writs to Maritime Towns and Ports, and other Towns, as *London, &c.*

Where they have had Ships, and Mariners to provide and prepare Ships, and to ſend them to places where the King pleaſed to appoint upon any juſt cauſe of fear of any danger, for defence; and great reaſon that they having Ships, and Maſters of Ships, and Mariners, ſhould be at the Kings command to bring all, or as many as he pleaſeth, for defence of the Sea and Kingdom, being thoſe that had the moſt benefit of the Seas, and likely to have the loſs, if the Seas and Coaſts were not duly guarded, and thoſe were moſt commonly appointed to be at the Kings charge; but ſometimes, upon ſome neceſſity, they were appointed to be at the charge of the Towns and Parts adjoining, which I think was the true cauſe of the complaint in Parliament, in 25 *Ed.* 1. and the making of that Statute for ſtaying that courſe; for there is no Record afterwards of any ſuch Writ in King *Edward* the Firſt's time, after that Statute to Maritime Towns, to prepare or ſend Ships at the charge of the Towns. And none after, until the time of *Edw.* 3. And then the Wars being between him and the *French* K. in *An.* 10,11,12,13 of *Ed.* 3. were the moſt Writs awarded to the Maritime Towns, to ſend Ships at their charge ſufficiently furniſhed. And thoſe, I think, were the principal cauſe of the making of the Stat. of 14 *E.* 3. *c.* 1. and after that Stat. no ſuch Writs, nor any Commiſſions for that purpoſe were awarded to make any Ships at the charge of Maritime Towns, until 1 *R.* 2. *m.* 18. when Writs were awarded to many Maritime Towns, and Inland Towns, for the making of Ships, which Record was much preſſed by Maſter Attorney, and afterwards by my Brother *Weſton*, and my Brother *Berkley* to prove that this courſe was, and might be practiſed after the Statute of 14 *E.* 3. for ſending forth ſuch Writs, and allowed. But that Record is fully ſatisfied, for it was grounded upon an Ordinance in Parliament, in 1 *R.* 2. *m.* 52. that all ancient Cities, Boroughs, and Towns that would have their Liberties confirmed, ſhould have them confirmed, without any charge of Fine, ſave onely to make a Ship of War for defence of the Realm; ſo this was not compulſory to any, but voluntary to thoſe that would have their Liberties confirmed. And afterwards in 1 *H.* 4. Commiſſions were awarded for the making of ſuch Veſſels for War; but thoſe iſſuing forth, without any Ordinance of Parliament, were complained of in Parliament, 2 *H.* 4. *m.* 22. as to be againſt the Liberty of the Subject, as appeareth by the Statute before recited, and the Commiſſions expreſly repealed. And ſince that time of 2 *H.* 4. no ſuch Writs iſſued forth in any Age to any Maritime Town, to cauſe Ships, or prepare Ships at their own charge for the Kings ſervice, until theſe late Writs.

And now I ſhall take a ſhort view of all the Records that have been cited, and ſent unto me; and leave them to the judgment of my Lords and others, if any of them prove theſe Writs to be uſual and legal.

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The RECORDS in the Time of King JOHN.

THree of theſe are to arreſt and make ſtay of all Ships that they ſhould not go out of the Kingdom, but to be ready for the Kings ſervice; and the other was to bring Ships of particular Towns to the mouth of the Thames for the Kings ſervice. — 6 Joh. m.11. 9 Joh.m.3. 14 Joh.m.2. 17 Joh.m.7.

A Commiſſion to guard the Seas to *John de Marſhal*, and to the Sheriff of the County of *Lincoln*, and all others to attend his Commands. — 15 Joh.m.4.

Writs to the Barons of the Cinque Ports, and divers other Towns, to have their Ships ready for the Kings ſervice. — 15 Joh.m.6.

In the Time of King Henry III.

A Writ to the Bailiff of *Portſmouth* to prepare one Gally. — 14 *H.*3. m.14.

A Commiſſion to the Biſhop of *Rocheſter* and others, and to the Sheriff of *Kent*, to cauſe all men at Arms in that County to be ſworn, and to aſſeſs them what Arms they ſhould find. — 14 *H.*3.m.5.

A Writ to the Sheriff of *Norfolk*, commanding him to cauſe them which were appointed to attend at the Sea-coaſts in that County, and having ſerved forty days, intended to depart, that they ſhould ſtay eight days longer by reaſon of the danger, and longer, if need require. — 48 *H.*3.m.4.

The like was ſent to the Sheriff of *Suffolk* and *Eſſex*.

A Writ to the Major of *Bedford*, commanding him to provide for the Expences of them that were ſent from thence for the guarding of the Seas, yet it is but for eight days more after the date of the Writ. — 48 *H.*3.m.2.

A Writ to the men of *Eſſex*, *Norfolk* and *Suffolk* appointed to attend for the guarding of the Sea-coaſts, reciting that the King had appointed *T. de M. Cuſtodem maris, & partium maritinarum* within their Counties, commanding them to aſſiſt him, and to perform therein what he required. — 48 *H.*3.m.3.

A Writ to the Sheriff of *Cambridge* and *Huntington*, to command all men of thoſe Counties able to bear Arms, to come to the King to *London*. — 48.*H.*3.m.7.

In the Time of King Edward I.

A Writ to thoſe of *Eſſex*, *Norfolk*, and *Suffolk*, reciting that ſuch perſons were appointed *ad cuſtod' Maritin'* in thoſe Counties, commanding them to attend them. — 23 *Ed.*1.m.5.

Another Writ to the Sheriff of *Norfolk* and *Suffolk*, reciting that certain Conſtables of thoſe Counties were appointed to aſſeſs men at Arms, ſufficient for the guarding of the Sea-coaſts, commanding him to diſtrain, and compel them ſo aſſeſſed for to go. — Ibid.

Writs to the Sheriff of *Lincoln*, *York*, and *Northumberland*, reciting that he had commanded *A. de B. ad congregand' & capiend' centum Naves* between *Ley* and *Barwick*, *& ad homines potentes in eiſdem navibus ponend'*, commanding them to aſſiſt him there. — 24 *Ed.*1.m.17.

24 *Ed.*1.Rot. 62. A Writ out of the Exchequer to *Adam de Guerdon, & aliis*, Guardians of the Sea-coasts in the County of *South-hampton* to distrain the Abbot of *Reading* for to find nine Horses, which he was assessed at for that Service.

24 *Ed.*1.m.16 Writs to all Archbishops, Bishops, Earls, &c. in the Counties of *Somerset, Devonshire*, and *Cornwal*, to attend with their Horsemen and Footmen for defence of the Sea-coasts in those parts, when they shall be required by the Guardian of those Coasts.

24 *Ed.*1. Rot. 78. A Writ out of the Exchequer directed to all Archbishops, Bishops, Earls, &c. in the County of *Norfolk*, and to the Sheriff of *Norfolk*, reciting that *Peter de Rutlin* was appointed *ad custodiam partium maritinarum illarum*, commanding them to assist him.

Ibid. A Writ out of the Exchequer, directed to the Sheriff of *Berks*, reciting that the King was informed by *Adam de Guerdon*, Guardian of the Sea-coasts in the County of *South-hampton*, that those men of the County of *Berks*, that were come to the defending of the Sea-coasts in those parts, came not as they were warned, commanded to distrain them and compel them, &c.

The like Writs were awarded to the Sheriff of *Wiltshire, South-hampt.* &c.

24 *Ed.*1.Rot. 81. A Writ to the Bailiffs of *Great Yarmouth*, reciting that the King was informed, that certain of *Flanders* and *French* in a great multitude, apparelled like Fishermen, intending to invade their Town, warning them to gather their Ships together, and all their Arms to defend themselves against such Attempt.

24 *Ed.*1. int. Com. A Writ to all Sheriffs and Bailiffs, *&c.* reciting that he had appointed some therein named, *Ad congregand' numerum Navium, & Galliar' major', &c.* commanding the Sheriffs in their several Counties to be assisting unto them therein.

☞ *Nota.* Note, all these Records are for Arrays, and congregating of Ships, but none to make or prepare Ships at the charges of the Counties,

24 *Ed.*1.m.9. A Writ of *Supersedeas* to the Guardian of the Seas in the County of *South-hampton* to distrain *Hugh Plessis* to find Arms for his Lands in that County for the guarding of the Seas, because he was in service with the King.

24 *Ed.*1.m.26. A Writ to the Sheriff of *Essex* to discharge for the Winter time, those that lay at the Sea-coasts with their Arms to defend their Coasts, but commanding them to be in readiness when they should be again commanded.

The like Writs were then awarded to divers Sheriffs of Maritine Counties to the same purpose.

25 *Ed.*1.m.12. A Writ to the Sheriff of *Lancaster*, reciting, that whereas the King had formerly commanded him to go to all the Ports and Towns where Ships were, commanding the Bailiff of the Ports to have all the Ships of the Burthen of 400 Tuns at *Winchester* by such a day, now commandeth the Sheriff to see them made ready and sent.

Ibid. 13. The like Writs directed to the Sheriff of *Lincoln, York, Northumberland*, and *Cumberland*,

Ibid. 14. Thhe like Writs directed to 19. other Ports and Towns in other Counties.

21 *Ed.*1.m.20. A Commission to send to array men at Arms in the County of *Westmoreland.*

23 *Ed.*1. Rot. 77. In the Exchequer (shewed by the Defendants Counsel) Writs were to several Maritine Towns, and other Towns upon the Sea-coasts, where

where Ships were uſually made, to make Ships and Gallies, and that the King will allow and pay for them when he knoweth the charge thereof.

In the Time of King Edward II.

A Writ to all the Men in the Towns upon the Sea-coaſts and Ports of the Sea between *South-hampton* and *Falmouth*, reciting that the King had appointed *John de Norton* to make proviſion of a Navy in the ſaid Towns and Ports at their charges, commanding them to perform what he in that behalf ſhall require. Pat 9. *Ed.*2. pars 2.

A Writ to the Bailiffs of *Yarmouth*, reciting that where the King had commanded all the Ships of the burden of 50 Tuns, from the Thames mouth towards the Weſt part, to be at *Portſmouth* ſuch a day, *&c.* and they had ſent two Ships, that the Maſters and Mariners complained that they could not ſerve without Wages, and therefore appointed them to ſend them Wages. Clauſ.20.*E.*2. m.8.

A Writ to the Bailiffs of *Yarmouth*, commanding them to ſend all their Ships of the burthen of 30 Tuns and above, to *Orewel* in *Suffolk*, with double tackling, Victuals, and other things neceſſary for one Moneth. 20 *Ed.*2.m.10.

The like Writs at the ſame time to other Towns, to the number of Thirty four.

A Writ to the Major of *London* to provide 3 Ships with Men and Munition, to go with 9 Ships of *Kent*, to guard the Sea-coaſts. 20 *Ed.*2.m.7.

A Writ to the Sheriff of *Norfolk*, commanding him to warn all Barons, Bannerets, Knights and Eſquires, which were commanded to attend the King at *Coventry* at ſuch a day, and to go with the King. 15 *Ed.*2.m.15.

A Writ to the Sheriff of *Norfolk* and *Suffolk*, commanding him to arreſt all Barons, Bannerets, Knights, and Eſquires, which were commanded to attend the King at *Coventry*, at ſuch a day therein named, and came not, to be before the King and his Council at *London*, to anſwer. 15 *Ed.*2.m.15.

The Record ſaith, like Writs were then awarded to divers other Sheriffs of other Counties.

A Commiſſion to array all perſons between the Ages of Sixteen and Sixty, with Arms convenient, to come to the King when they ſhall be required. 16 *Ed.*2.m.13

A Writ to the Archbiſhop of *Canterbury*, commanding him to array all his Servants and Family to be ready to defend the Kingdom, if any Invaſion ſhould be. The like Writs at that time to all the Biſhops. 19 *Ed.*2.m.6.

In the Time of Edward III.

A Writ to the Major and Bailiff of *South-hampton*, commanding them to cauſe all their Ships of the burthen of 40 Tuns and above, to be furniſhed with Men at Arms and Victuals, ready to defend the Land, if any Invaſion ſhould happen. 2 *Ed.*3.m.9.

A Commiſſion to *Hugh Courtney* to guard the Seas in the Counties of *Devonſhire* and *Cornwal*, and commanding all others to aſſiſt him. Scot. 9 *Ed.*3. m.19.

The like Commiſſion to *Hugh Courtney*, for guarding the Seas in the ſame County. 10 *Ed.*3.m.25.

A Writ to *Bartholomew de Inſula*, for cuſtody of the Sea-coaſts in the County Ibid.

County of *South-hampton*, and therein is a command to *John Tichborn* and others for the County of *South-hampton*, and to *William de Perſhiore* and others for the County of *Berks*, and to *John Mandit* and others for the County of *Wilts*, to array men with Arms, and to have them in readineſs to defend the Coaſts of the County of *South-hampton*.

Scot. 10 *Ed.* 3. m. 2. A Writ to *William Clinton*, Guardian of the Cinque Ports, and others, to ſurvey all the Ships of the Cinque Ports, and other Ports from the mouth of the *Thames* unto *Portſmouth*, and to cauſe them to be furniſhed with Arms and Victuals for 13 Weeks from the time they ſhall go from *Portſmouth*.

Scot. 10. *Ed.* 3. m. 2. A Writ to the Major of *Wincheſter*, to cauſe the Ships appointed for that Town to be furniſhed with Men at Arms and Victuals, and other neceſſaries, for 13 Weeks.

Scot. 10 *Ed.* 3. m. 16. A Writ to the Admiral of the Fleet from the mouth of Thames unto the Weſt Parts, to keep upon the Seas the Ships of the Cinque Ports, and other Ships arreſted to defend the Kingdom againſt any attempt of Invaſion.

The like Writ was then to the Admiral of the Fleet from the mouth of the Thames unto the North parts, with like Command to hold the Ships together upon the Sea.

Scot. 10 *Ed.* 3. m. 16. A Writ commanding the Ships of the Ports of *Ireland* to be ſent hither to guard the Seas here.

10 *Ed.* 3. m. 12 A Writ to the Bailiffs of *Yarmouth*, to cauſe the men of that Town to contribute to the charges of the Ships, and Men, and Victuals ſent from thence for the defence of that Kingdom.

Scot. 10 *Ed.* 3. m. 22. A Writ to all the Liberties and Men of *South-Wales*, to have one Ship riding upon the Seas for the defence of thoſe parts.

* Ibid. The like unto the men of *North-Wales*.

Scot. 10 *Ed.* 3. m. 21. A Writ to the Arrayers of men for the County of *Berks*, to compel them of that County aſſigned and aſſeſſed for the keeping of the Sea-coaſts in the County of *Southt.* to go to *Portſmouth* by a day therein appointed.

Alm. 12 *Ed.* 3. m. 12. A Commiſſion, reciting that the King had appointed all the Ships from the mouth of the Thames Northward to be arreſted, and to cauſe them to be furniſhed with Munition, Men, and Victuals, and to be brought to *Yarmouth*; and that the men of *Lin* refuſed to contribute to the expences of the charge of the men ſent in the Ship from that Town, and the furniſhing of that Ship; and therefore commanded the Commiſſioners therein named, to aſſeſs them that refuſe ſo to contribute, and to diſtrain them for it.

Alm. 12 *Ed.* 3. m. 13. The like to compel the men of *Bardſey*, to contribute for the expences of the Men of that Town.

Clauſ. 12 *Ed.* 3. m. 16. The like to compel the Men of *Surrey* and *Suſſex*, to contribute to the expences of the Men of thoſe Counties, that attended for the guarding of the Sea-coaſts there.

12 *Ed.* 3. m. 8. A Writ to all Archbiſhops, Biſhops, &c. and to the Sheriff of *Kent*, and to the Barons of the Cinque Ports, and all others in that County, commanding them to be aſſiſting to *J. de Cobham*, to whom the Cuſtody of the Seas in thoſe parts is committed, and to defend thoſe Coaſts againſt Foreign Invaſion.

Alm. 12 *Ed.* 3. m. 10. A Writ to the Major of *London*, reciting the danger of Invaſion, &c. commanding to ſhut up the Gates towards the Water, if the Enemies approach.

A Writ to the Bayliffs of *Yarmouth*, reciting by his Writ he had commanded four Ships of War of that Town to be made ready with Men, Munition, and victuals for three months, at the charges of the Town, to be brrought to *Orewell*, and that they failed to come at their day, to the great peril of the Land; therefore commandeth the Bayliffs to compel them at another day therein prefixed to be at the ſame place. There it is ſet down that the like Writs were awarded to the Bayliffs of ſeventeen other Towns, for the ſending their Ships, being charged ſome for one Ship, and ſome for two Ships. Alm. 13 *Ed.*3. m.12.

A *Superſedeas* for the Abbot of *Gwaverra* to find a Ship as he was appointed, becauſe he found divers men at Arms in the Iſle of *Wight*. Clauſ. 13 *Ed.*3. m. 35.

A *Superſedeas* for the Abbot of *Ramſey* for being charged with Arms for the guarding of the Coaſts of *Norfolk* for his Lands in *Norfolk*, becauſe he was by command attending with all his forces in the County of *Huntington*, for the ſafety of thoſe parts. Clauſ. 13 *Ed.*3. m. 38.

A Writ of *Superſedeas* to the arrayers of Arms in the County of *Oxon*, to diſcharge *John Mandit* to ſerve there, becauſe he attended in *Wiltſ.* Clauſ. 13. *Ed.*3. m. 14.

A Writ, *&c.* to the Arrayers of Arms in the County of *Wilt.* which is only concerning the payment of Souldiers Wages, who attended to guard the Sea-coaſts. Clauſ. 13 *Ed.*3. m. 14.

Theſe being all the Records ſhewed, it appeareth that there were no Writs iſſuing out in thoſe times to any Sheriffs of Inland Counties, or Maritine Counties, to make or prepare Ships for any occaſion whatſoever, but only to Maritine Towns, to ſend their Ships, or to prepare Ships at their own charges.

The Records ſince 14 *Ed.*III. ſhewed me, do not ſhew any Writs to be awarded to any Maritine Towns, to prepare Ships at the charge of the Towns.

But thoſe Records of 1 *Rich.* II. and 1 *Hen.* IV, which I have before anſwered, and the Records ſince that time ſhewed unto me (except ſuch as I have formerly mentioned in my Argument) are theſe:

A Commiſſion to *Nicholas de Cartlape*, to array men to reſiſt the Scots. *Scot.* 20 *Ed.*3. m. 14.

A Writ to the Mayor of *York*, to array all their men to be ready when they ſhall be required. Ibid.

A Commiſſion concerning arrays of men in the Counties of *Derby* and *Nottingham*, and to puniſh ſuch as came not when they were appointed. 20 *Ed.*3. m. 15.

A Writ to the arrayers of men in the County of *Southampton* to diſcharge the Abbot of *Bettaile* to find Arms for the Sea-coſts there. *Rot. Franc.* 21 *E.*3. m. 31.

A Commiſſion to *John de Bodingham* for the cuſtody of the Ports and Maritine parts in *Cornwal*, and to array all the men to be in a readineſs. *Franc.* 25 *E.*3. m. 20.

Note, all theſe Records are only for arrays of mens, and none for preparing Ships. ☞ *Nota.*

There it is ſet down, that the like Commiſſions are to others in ſeveral Counties.

A Commiſſion to the Earl of *Huntington*, to have the cuſtody of the Ports in *Kent*, and to array men, and to ſet up Beacons, *&c.* which is the firſt I obſerve in that kind. *Franc.* 26 *Ed.*3. m. 5.

The like Commiſſions were then to ſeveral other perſons, to array men in ſeveral Counties, as *Warwick*, *Oxon.* *Berks*, *Bucks*, &c.

*Franc.*46 *E.*3. m.34. A Writ to the Archbiſhop of *Canterbury*, reciting the danger of invaſion by the French to hurt the Church and Kingdom, to array all his Clergy in his Dioceſs, *&c.* to be ready to go with the Kings Forces to defend, *&c.*

The like Writs to all other Biſhops in the Kingdom.

*Franc.*50 *E.*3. m 47. A Writ to the Arrayers of Men in the County of *Norfolk*, and to the Sheriff of *Norfolk*, commanding them to command all great men and others, that had Manſions upon or near the Sea-coaſts, to reſort with all their Families for defence of thoſe Coaſts.

The like to the Arrayers, and to the Sheriffs of ten other Maritine Counties.

*Scot.*29.*Ed.*3. m.13. A Commiſſion to the Biſhop of *Durham* and others, to array men in *Durham*, *Cumberland*, and *Northumberland*, to reſiſt the Scots.

*Franc.*40. *E.*3. m. 31. A Writ to *William Hench* and others, to remove with all their Families to their houſes upon the Sea-coaſts.

In the time of Richard *the Second.*

1 *R.*2.m.7. A Writ to the Bayliff of *Scardeburgh*, becauſe the Town was upon the Coaſts of the Sea, and in danger by invaſion, careſully to look to the cuſtody thereof *&c.*

*Eod.Rot.*m.12. A Writ to the Mayor and Bayliffs of *Oxon.* to repair the Walls of the Town, and to compel thoſe that had Lands there to contribute to the expences thereof.

This Record hath been much urged by Maſter Sollicitor and Maſter Attorney, that if the King have ſuch a power to command the Walls of a Town to be repaired, much more to command Ships to be made, which are the Walls of the Sea, and conſequently the Walls of the Kingdom. But this is clearly anſwered, for that it is but a private charge of a private Town, and that had been formerly ſo walled, and for defence and ſafety of the Town, and none charged but thoſe that have benefit thereby, and ſo proveth nothing to the Caſe in queſtion.

*Eod.Rot.*m.42. One Writ to the Sheriff of *Kent*, and another to the Sheriff of *Eſſex*, commanding an Ordinance made, *&c.* by the King and his Council, for ſetting up of Beacons, and keeping watch about them.

*Scot.*7 *R.*2. m.8. A Writ to the Archbiſhop of *Canterbury* to command all his Clergy between ſixteen and ſixty to be arrayed and put in Arms, both Horſe and Foot, according to their qualities, to be ready to defend the Kingdom.

*Franc.*11 *R.*2. m.13. A Writ to a Serjeant at Arms, to array all Ships of War in the Ports of *Plimouth* and *Dartmouth*, and other parts in the County of *Cornwal*, and to bring them to *Hanks Hook* to go with the Kings Majeſties Ships.

In the ſame Roll are divers other Writs to divers other Serjeants at Arms, to arreſt the Ships in divers other Ports.

*Scot.*21 *R.*2. m.3. A Commiſſion to the Duke *Albernale*, to array men in the Weſt Marches towards *Scotland* to reſiſt the Scots.

Rot.Virg. 1 *H.*4 m. 11. A Writ to the Sheriff of *Derby* and *Nottingham*, reciting that the King certainly underſtood, that the Scots intended with a great Power to invade the Kingdom, commandeth him to proclaim in all parts of his Counties, that all men beween ſixteen and ſixty ſhould put themſelves in Arms competent, according to their degrees, to be ready upon two days warning to defend the Kingdom.

The

The like Writs were then directed to the Sheriffs of *Lincoln*, *York*, and *Lancaſter*. Clauſ. 1. *H.* 4. m. 12.

A Writ to the Archbiſhop of *Canterbury*, reciting *Satis informati eſtis qualit. inimici noſtri Franc. & alii ſibi adhærentes, cum magna claſſe navium, cum magna multitudine armator' ſuper mare congregat', diverſas villas per Coſteram regni noſtri invadere, & nos & regnum noſtrum deſtruere, & Eccleſiam Anglicanam ſubvertere intendunt & proponunt:* Thereupon commandeth, that the Clergy in that Dioceſs be arrayed and armed, and to be ready at the Kings command to go againſt the Enemy. Note, that although this great danger be mentioned, yet no command to any County to prepare Ships.

The like Writs were then awarded to every Biſhop in *England*.

A Commiſſion to *Thomas de Morley* and others, and to the Sheriffs of *Norfolk* and *Suffolk*, and to the Bayliffs of great *Yarmouth*, reciting, *Quòd cum inimici Franc, Britan. Scot. & alii ſibi adhærentes, inter ſe obligat. magna armat. ſuper mare in æſtate proxim. futur. ordinaverunt & intendunt regnum invadere*, &c. commandeth to ſurvey that Town of *Yarmouth*, and to fortifie it. Pat. 5 *H.* 4. pars 2. m. 28.

Note here alſo, notwithſtanding ſuch great danger mentioned, and ſuch diſtance of time, yet that no Writs iſſued to any Counties to prepare Ships.

A Commiſſion to array all men at Arms in the Weſt-Riding in *Yorkſhire*, to be ready to defend thoſe parts, Pat. 3. *H.* 5. pars 2. m. 37.

The like Commiſſions to others in nineteen ſeveral Counties.

Commiſſions for arraying men for defence of the Kingdom, if invaſion ſhall be, and for repreſſing of Rebels. Pat. 13 *H.* 6. m. 10. Pat. 39 *H.* 6. m.

Commiſſions unto *George* Duke of *Clarence* and others, to array men men for defence. Pat. 39 *H.* 6. m. 12.

A Commiſſion to *John* Lord *Howard*, to be Captain of all the Forces. Pat. 39 *H.* 6. m. 1.

A Commiſſion to Marqueſs *Mountague*, to array and put in Arms all men beyond *Trent*. Pat. 10 *Ed.* 4. m. 12.

A Commiſſion to *Richard Fitz-Hugh*, &c. and to the Sheriff of *Yorkſhire*, to array and cauſe to be armed all able perſons, Abbots, and others, to be ready to defend the Kingdom. Pat. 10 *Ed.* 4. m. 12. Pat. 49 *H.* 6. m. 22. Pat. 1 *H.* 7. pars 1. 1 *H.* 7. pars 3.

A Writ to the Sheriff of *Norfolk* and *Suffolk* to proclaim in all parts of thoſe Counties, for that there was like to be open Wars between *Charles* of *France*, and the King of *Romans*, and great Navies are prepared of either ſide, commandeth that watch and ward be kept, and Beacons kept, to give warning that every man be ready, if need be, to come and defend the Kingdom.

A Writ to the Sheriff of *Kent*, commanding him to proclaim in his County that the King be certainly informed, that the French King hath prepared and put in readineſs a great and ſtrong Navy, furniſhed with Men of War, to invade this his Kingdom; therefore commandeth all men, between the Age of ſixteen and ſixty to put themſelves in Arms, and to be ready to defend the Kingdom at an hours warning. 4 *H.* 8. pars 2.

Commiſſioners went to take view of all the Horſes of *England* for ſervice, and to ſurvey all the Arms, and to have them all put in readineſs, as neceſſity ſhould require. 11 *Eliz.*

Now it appeareth upon view and examination of all theſe Records, moſt of them being cited by Maſter Solicitor and Maſter Attorney in their ſeveral Arguments, that there are none to prove the ſending of any ſuch Writs to Inland or Maritime Counties to prepare ſuch Ships, although there hath been many times great danger; nor yet any Writs to Maritime

Towns

Towns after the Statute of 14 *Edw.*III. to charge them to find any Ships at their charges: So then I conclude this point, that I conceive this Writ is not warranted by any former Preſident.

Now I come to examine the points of this Writ, whether the ſame be legal, and warranted by any former Preſidents, and I conceive it is not:

1. Firſt, The motives mentioned in the Writ are, *Quia datum eſt nobis intelligi*, which is no certain information, *quòd quidam prædones & maris graſſatores*, did take the Kings Subjects, Merchants, and others, and carried them into miſerable captivity.

2. *Cumque ipſos conſpicimus navigium indies præparantes ad mercator' noſtros moleſtand', & regnum noſtrum gravand'.* All theſe and thoſe following I conceive are not ſufficient motives, and were never in any Preſident before to have a Royal Navy prepared, for the former Preſidents are, that great Princes in open times of hoſtility had provided great Navies with Munition and Souldiers, with intent to invade the Kingdom, as appeareth by the former Preſidents: And againſt ſuch Proviſion it was neceſſary to provide a Royal Navy, the Kings Ships, and all the Ships of the Kingdom to be gathered to withſtand them; but to make ſuch preparation againſt Pirates, it was never put in any Writ before: For when Pirates infeſted the Seas, they came as it were by ſtealth to rob and to do miſchief, and they never dare appear, but when they may do miſchief, and eſcape away by their lightneſs; but againſt them the uſual courſe hath been, that the Admiral or his Deputy with ſome few Ships have ſcoured the Coaſts, and not to imploy a whole Navy, and this appeareth by the Record of 25 *Edw.* I. *m.*9. where *William Leybourn*, the Admiral, was appointed upon ſuch an occaſion with ten Ships to lie upon the Seas; and the uſual practice hath been, when they hover upon the Seas, by ſending a few Ships of War to ſcatter them, and to make them abſolutely to flee away: And there is no doubt of loſs of the Dominion of the Seas by any Act that Pirates can do, neither convenient that every County of the Kingdom ſhould prepare Ships againſt them.

2. The command of this Writ to provide a Ship of 450 Tuns at the charges of the County, furniſhed with Maſters and Mariners, which is impoſſible for them to do for the reaſons before alleaged; and therefore is illegal, and not warranted by former Preſident.

The command of the Writ to find Wages for the Souldiers for twenty ſix weeks after they come to *Portſmouth*, when they are out of their Counties, and in the Kings ſervice, is illegal, being againſt the courſe of Preſidents in divers times, and againſt divers expreſs Statutes: And this appeareth by divers Records, 15 *Joh.* In the Writs of Summons of the Tenants by Knights Service, it is expreſly mentioned, that after their forty days Service (for ſo many days they were to do Service by their Tenures) they ſhould be ſatisfied *ad denarios Regis*.

Paſch. 26 *Edw.* I. amongſt the Writs of the Exchequer it is there ſet down, that the Footmen of *Cheſhire*, being 1000. which were appointed to go to the defence of the Borders upon *Scotland*, would not ſtir out of the County without their Wages; and there is ſet down, that one therein named was ſent down with money to pay the ſaid Footmen.

Mich. 26 *Edw.* I. *Inter Brevia irretornab.* in the Exchequer, by reaſon of the invaſion of the *Scots*, many thouſands of Souldiers were taken from divers parts of the Kingdom, *ad vadia Regis*, and there mentioned, that Clerks were ſent down with money to pay the Souldiers of ſeveral Counties their Wages.

In

In the Exchequer in accompt the Wages of Land-Souldiers for ſeveral Counties, and the Wages of Mariners, are ſet down what the Wages that was paid came to by day both by Sea and Land. 30 *Edw.* 1.

Inter Brevia in the Exchequer, the Wardens of the Marches of *Scotland* ſignified unto the Barons, that the men of *Cumberland* and *Weſtmerland*, appointed for the defence of the Marches, would not ſtir out of their Counties without Wages. whereupon order was given for Wages for them. Trin. 31. E. 1.

Commiſſions went out to pay the Souldiers, which ſerved out of ſeveral Counties for defence againſt *Scotland*. 19 *Edw.* 2.

In the Exchequer it was ordered in Parliament, that where ſome Souldiers had received of ſome of the Kings Officers moneys for their Wages, were fain to give bond for repayment, that thoſe bonds ſhould all be redelivered. *Hill.* 2. *Ed.* 3. *Rot.* 16.

But to clear all doubts, the expreſs Statute of 18 *Ed.* III. *cap.* 7. is, That men of Arms, Hoblers, and Archers, choſen to go in the Kings Service out of *England*, ſhall be at the Kings Wages from the time they go out of their Counties where they were choſen, until the time they come home again.

Thoſe that had any grant of Lands from the King, and thoſe that had any Offices of the grant of the King, are to ſerve the King in his Wars, but in both it is appointed, they ſhall have Wages from the time they come from their houſes, until they ſhall return. 19 *H.* 7. cap. 1. 11 *H.* 7. cap. 1.

It is enacted, That no Captain receiving Souldiers ſerving by Sea or by Land, ſhall receive any Wages for more Souldiers, or more time than they ſerve, and ſhall enter the days of their entring into Wages upon pain, *&c.* 2 & 3 *E.* 6. c 2.

All which Records and Statutes do prove, that the Souldiers ſhould be at the Kings Wages; therefore the command for Souldiers Wages for twenty ſix Weeks when they go from *Portſmouth*, is illegal, and expreſly againſt the ſaid Statutes: and ſo the Aſſeſsment being entire, as well for the Wages as the other charges, I hold to be clearly illegal, and not to be demanded.

4. That the command of this Writ to the Sheriff to aſſeſs men at his own diſcretion, is not legal, nor warranted by the Preſidents; for the Preſidents are commonly that aſſeſsments for contribution for making or ſetting out of Ships, have been by Commiſſioners, which by preſumption had knowledge of ſuch matters as commonly Sheriffs have not. Alſo this leaveth to the Sheriff too great a power to value mens eſtates, as to inhaunce whom he will, and to favour whom he will.

5. That the power to the Sheriffs and Mayors of Towns, *&c.* to impriſon, eſpecially as it is uſed for non-pament of money, is illegal, and expreſly againſt divers Statutes; for it is provided by *Magna Charta*, *c.* 29. *Quòd nullus capiatur vel impriſonetur, nec ſuper eum ibimus niſi per judicium Pariũ ſuor' vel per legem terræ.*

Alſo in 5 *Ed.* III. *cap.* 9. that none ſhall be attached, or his goods ſeized contrary to the form of the great Charter.

Alſo by the Statute made *Mich.* 37. *Edw.* III. *cap.* 18. it is recited, that by that great Charter none ſhould be taken or impriſoned but by due Proceſs of Law, yet by colour of this Writ the Sheriff may impriſon any perſon, yea, any Peer of the Realm; for although Peers are not to be arreſted upon ordinary Proceſs between party and party, as it was reſolved in the Counteſs of *Rutlands* Caſe, in *Coke l.* 6. *fol.* 32. yet for a contempt,

and upon Proceſs of contempt, which is always for the King, any Peer may be impriſoned, as it is reſolved by all the Lords and all the Judges in the *Star-chamber* in the Earl of *Lincolns* Caſe: And ſo the Sheriff by colour of this Writ may arreſt any Peer, as for a contempt in not paying; but by the Book caſe, 2 *Ed.* III. *fol.*2. it is reſolved, that a Writ to impriſon one upon ſuggeſtion before he be indicted, and without due Proceſs of Law, was illegal; ſo for the caſe I hold this Writ to be illegal.

6. The laſt Clauſe of this Writ is, That by colour of this Writ more ſhould not be gathered than will be ſufficient for the neceſſary expences of the premiſſes; and that none that levy any money towards theſe contributions, ſhall detain the ſame with them, or imploy the ſame to other uſes: And that if more than did ſuffice were collected, it ſhould be paid amongſt thoſe that paid, after a rateable proportion. Theſe are reaſonable Clauſes; but as the courſe is taken, it is not to be performed: For no Ship, nor Tackling, nor Munition, nor Men, nor Wages, nor Victuals being provided, it is not to be known whether more be gathered or leſs than would ſuffice; and there being money gathered, it is of neceſſity either detained with the Collector or Sheriff, or imployed to other uſes than are appointed by the Writ, ſo the Writ is not performed; and the money aſſeſſed and collected is not duly made nor collected, and the money aſſeſſed and unpaid, cannot be duly demanded.

7. Admitting that the Writ were legal, and the Commands therein legal, yet the Aſſeſsment, as it is certified, is not ſufficient to charge the Defendant; for it is not certified that any Ship with Munition and Men, and Wages for Men, and Victuals, were prepared, and this is a year after the time that it ſhould have been prepared and ſent to *Portſmouth*; and if it were not prepared, there is no cauſe to charge the Defendant: And that not appearing to be done, it ſhall be conceived not to be done; for if a man be charged with money in conſideration of a thing to be done before a certain time, if the thing be not performed according to the time, none can be charged for not being contributory to it after the time is paſt; for it is in nature of a condition precedent, to have a duty or ſum of money to be paid after the condition performed, and there he that will have the duty, muſt ſhew that the condition is performed: This appeareth in the Caſe of 15 *H.*VII. 1. & *Coke l.*7. *fol.*9. *Ughtrees* Caſe. And if the Ship be not prepared according to the Writ, nor money imployed for preparing a Ship, for and in the name of the County, then every one that paid any money, either voluntarily, as in obedience to the Writ, or compulſorily upon diſtreſs, may demand their money again of the Sheriff, or of them that received it; for as they paid their money, ſo it muſt be diſpoſed of, and cannot be diſpoſed of otherwiſe by any command whatſoever, although it be under the Great Seal; for the command being under the Great Seal to prepare and furniſh a Ship to ſuch purpoſe as in the Writ is mentioned, and they paying it to that purpoſe, it cannot be otherwiſe diſpoſed, although it be more for their advantage: For private men having intereſt therein, that cannot be taken from them, nor diſpenſed withal; therefore in *Coke, lib.*7. *fol.*27. in the caſe of Penal Laws it is reſolved, That if the Penalty appointed to be forfeited upon a Penal Statute be given to the poor of the Pariſh where the offence is committed, the King cannot diſpence with the Penalty for that offence, becauſe the poor have an intereſt therein; but if the Penalty be given, part to the King, and part to the poor, the King may diſpenſe with his own part, but not with the part of the poor.

And

And where it is ſaid, that this is by way of accommodation, becauſe the Country cannot well know how to provide to content, and perhaps with more charge. To this is anſwered, they muſt do it at their peril, if the Writ be legal, and then if it be done, they ſhall have the benefit thereof; for as my Brother *Weſton* and my Brother *Berkley* have both agreed, if the Ship were made when the Service is done, the County for which it was made ſhall have the benefit of the Ship and the Munition, and of the ſervice of the Men, being made more expert againſt another time, and the Ship may with ſome eaſie charge ſerve again, and nothing loſt but the expences of the Victuals, and the Kingdom ſhall be ſo much the more ſtrengthened by having ſo many Ships made or prepared; and they may have account of their money how it was beſtowed, and if any ſurpluſage be gathered, to have it reſtored; And that the Law is ſo, that if money be received of the County, and not imployed accordingly, the party ſo receiving it is accountable to pay a Fine for the ſame to the King, and to the County for the Money, appeareth by two Records, the one in *Hill.* 16 *Ed.* III. *rot.* 23. in the Kings Bench, where two Souldiers were indicted, for that they 8 *Ed.* III. taking three pounds apiece towards their armour, and to the bringing them to the place where they were appointed to ſerve the King in *England* in Wars, went not, but tarried ſtill in their houſes, and retained the Armour and the Money they had received for that purpoſe: They thereupon being convented, pleaded not guilty; and the one was found to go in ſervice according to the appointment, ſo he was diſcharged: And the other was found that he received the Money, and went not to do the ſervice, nor reſtored the Arms nor Money; thereupon he was committed to the Priſon, and paid to the King a Fine, and found Sureties to pay the Money to the Hundred again, from whom he had received it.

Object.

Solut.

The other was *Hill.* 20 *Ed.* III. *rot.* 57. in the Kings Bench, where two High Conſtables were indicted for that they 8 *Ed.* III. had received ſix Marks of the Towns in their Hundreds to ſet forth Souldiers and had not ſet them forth, but retained the Money, which they denying, it was found that they had received the money for that purpoſe, and diſburſed 41 *s.* 6 *d.* thereof towards the ſetting forth of Souldiers, but had retained 38 *s.* 6 *d.* and not diſburſed it; thereupon they were fined and impriſoned, and after inlarged upon Sureties to pay the Money they had retained undisburſed at the next time when the King commanded Souldiers for thoſe parts; By both which Records, being for offences done ſo long before, it appeareth that thoſe that have received Money of the Country to prepare Ships, they are anſwerable unto the King or his Succeſſors to pay a Fine for their imployment of it otherwiſe, and are chargeable to thoſe of the County of whom they received it, for repayment thereof.

8. For the laſt point I conceive, that this *Certiorari* directed to the two that were late Sheriffs at the time of the Aſſeſsment, and not to the Sheriff that was at the time of the *Certiorari* awarded; who is the only and immediate Officer to return the Writs, is not legal; for it is the firſt that hath been ſeen of that kind, For all Writs are directed to ſome immediate Sheriff, requiring him to demand of the former Sheriffs what they did upon the former Writ, and they are to return to him what hath been done, and he to return the ſame to the Court, whereunto he is the immediate Officer, and the former are not any Officers.

So the *Scire fac'* thereupon grounded I conceive is not good, alſo the *Scire facias* to warn Mr. *Hampden ad oſtend' ſi quid pro ſe habeat*, &c.

quare de prædict. viginti ſolid. onerare non debet, not ſhewing to whom, is uncertain and inſufficient.

Thereupon I conclude upon the whole matter, That no judgment can be given to charge the Defendant.

Judgment was given againſt M. Hampden *by the greater part of the Judges: And when the Judges had delivered their Opinions, the Barons gave Judgment* Quod oneretur, *&c.*

Afterwards in this preſent Parliament begun at Weſtminſter, 3. Novembris, Anno Dom. 1640. *the Commons took into their conſiderations the extrajudicial Opinions of the Judges, the Ship-writs, and this Judgment againſt Mr.* Hampden; *and being read openly in the Houſe, after long debate,* Die Lunæ, ſeptimo die Decemb. 1640. *theſe four ſeveral Votes paſſed upon them, without ſo much as one Negative Voice to any of them,* (viz.)

1. THat the charge impoſed upon the Subjects for the providing and furniſhing of Ships, and the Aſſeſsments for raiſing of money for that purpoſe, commonly called *Ship-money*, are againſt the Laws of the Realm, the Subjects right of Property, and contrary to former reſolutions in Parliament, and to the Petition of Right

2. That the extrajudicial Opinions of the Judges, publiſhed in the *Star-chamber*, and inrolled in the Courts at *Weſtminſter, in hæc verba.*

The CASE.

Charles Rex.

WHen the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King by Writ under the Great Seal of England *command all the Subjects in this Kingdom at their charge to provide and furniſh ſuch number of Ships, with Men, Victual, and Munition, and for ſuch a time as he ſhall think fit, for the defence and ſafeguard of the Kingdom from ſuch danger and peril, and by Law compel the doing thereof, in caſe of refuſal or refractorineſs; And whether in ſuch caſe is not the King the ſole Judg both of the danger, and when and how the ſame is to be prevented and avoided?*

C. R.

Their

Their Opinions.

MAy it pleaſe your moſt Excellent Majeſty, We have, according to your Majeſties command, ſeverally, and every man by himſelf, and all of us together, taken into ſerious conſideration the Caſe and Queſtions ſigned by your Majeſty, and incloſed in your Letter: And we are of opinion, that when the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, your Majeſty may by Writ under the Great Seal of England *command all the Subjects of this your Kingdom, at their charge to provide and furniſh ſuch number of Ships, with Men, Victual, and Munition, and for ſuch time as your Majeſty ſhall think fit for the defence and ſafeguard of the Kingdom from ſuch danger and peril; and that by Law your Majeſty may compel the doing thereof in caſe of refuſal or refractorineſs. And we are alſo of opinion, that in ſuch caſe your Majeſty is the ſole Judge both of the danger, and when and how the ſame is to be prevented and avoided.*

In the whole, and in every part of them are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

3. That the Writ following *in hæc verba, viz.*

CHARLES by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our Right Truſty and Well-beloved Counſellor, Thomas Lord Coventry, Keeper of our Great Seal of England, Greeting. Theſe are to will and require you that for the ſafeguard of the Seas, and defence of the Realm, you iſſue forth, or cauſe to be iſſued forth of our high Court of Chancery theſe enſuing Writs in the Form following, with Duplicates of them, under our Great Seal of England, unto the Counties, Cities, Towns, and places hereafter enſuing, and for ſo doing this ſhall be your Warrant.

Memorandum quod xxvij. *die* Feb. 1640. *an. reg. Dom. Regis Car.* 16. *iſtud irrot. & omnia & ſing. in eod. contenta & expreſſ. vacant. per judic. Dom. ſpirit. & temp. in Cur. Parl. Per Jo. Brown Cler. Parl.*

REx, &c. Vic. Com. noſtri Buck. Ballivis & Burgenſibus Burgi & paroch. de Buckingham: Majori, Ballivis, & Burgenſibus Burgi de Chepping Wicombe, alias *Wicombe: Ballivis, Aldermannis, & Burgenſibus Burgi de Aylesbury, ac probis hominibus in eiſdem Burgis & parochiis, & membris eorundem, & in Villis de Agmondiſham, Wendover, & Marlowe magna, ac in omnibus aliis Villis, Burgis, Villat. Hamlet. & aliis locis in dicto Com. Buck. ſalutem. Quia datum eſt nobis intelligi, quod prædones quidam, Piratæ & maris Graſſatores tam nominis Chriſtiani hoſtes, Mahumetani, quam alii congregat. Naves & bona ac mercimonia non ſolum Subditorum noſtrorum, verum etiam Subditorum Amicorum noſtrorum in mari, quod per gentem Anglicanam ab olim defendi conſuevit, nefariè deripientes & ſpoliantes ea, ad libitum ſuum deportavere, hominéſque in eiſdem in captivitatem miſerrimam mancipantes. Cumque ipſos conſpicimus, Navigium indies præparantes ad Mercatores noſtros ulterius moleſtand. & regnum gravand. niſi citius remedium apponatur, eorumque conatui virilius obvietur: conſideratis etiam periculis quæ undique his guerrinis temporibus imminent, ita quod nobis & Subditis noſtris defenſionem maris & regni, omni feſtinatione qua poterimus accelerare*

rare convenit: Nos volentes defenſioni regni, tuitioni maris, ſecuritati Subditorum noſtror' ſalvæ conductioni Navium & Merchandizar' ad regn' noſtr' Angl' venient'. & de eodem regno ad partes exteras tranſeunt'. (auxiliante Deo) providere; maxime cum nos & Progenitores noſtri Reges Angliæ Domini maris prædict. ſemper hactenus extiterint, & plurimum nos tæderet, ſi honor iſte regnis noſtris temporibus depereat, aut in aliquo imminuatur. Cumque onus iſtud defenſionis quod omnes tangit, per omnes debeat ſupportari, prout per legem & conſuetudinem regni noſtri fieri conſueverit. Vobis præfat. Vicecom. Major. Ballivis, Aldermannis, Burgenſibus, probis hominibus, & omnibus aliis quibuſcunque ſupramentionat. Villis, Burgis, Vill. Hamlet. & locis ſuprad. eorumque membris in fide & ligeantia quibus nobis tenemini, & ſicut Nos & honorem noſtr. diligitis, necnon ſub foris factur' omniumque quæ nobis forisfacere poteritis firmiter injungend. Mandamus, quod unam Navem de guerra portagii quadringent. & quinquagint. doliorum cum hominibus tam Magiſtris peritis quam Marinariis valentioribus & expertis, centum & octoginta ad minus, ac etiam tormentis tam majoribus quam minoribus pulvere tormentario ac haſtis & telis, aliiſque armatur. neceſſar, pro guerra ſufficien. & cum duplici eskippamento, necnon cum Victual. uſque ad primum diem Marcii jam proximè ſequentem ad tot. homines competent. & ab inde in viginti ſex ſeptimanas ad cuſtagia veſtra tam in victual. quam hominum ſalariis & aliis ad guerram neceſſariis per tempus illud ſuper defenſionem maris in obſequio noſtro in Comit' cuſtodis maris, cui cuſtodiam maris ante prædict' primum diem Martii committemus, & prout ipſe ex parte noſtra dictaverit morat' præpararí; Et ad portum de Portſmouth citra dictum primum diem Martii, duci faciatis. Ita quòd ſint ibidem eodem die ad ultimum ad proficiſcend' exinde cum navibus noſtris, & navibus aliorum fidelium Subditorum noſtrorum pro tuitione maris & defenſione veſtrum & veſtrorum, repulſioneque, debellatione & quorumcunque quæ Mercatores noſtros, & alios Subditos & fideles prædictos in Dominia noſtra ex cauſa Mercatur' ſe divertentes, vel abinde ad propr' declinantes ſuper mare gravare, ſeu moleſtare ſatagent': Aſſignavimus autem vos præfat. Vicecom. com. noſtri Buck. Majores & Ballivos Villarum & Burgorum prædict. aut aliquos ſex vel plures veſtrum, quorum te præfat. Vic. Com. noſtri Buck. unum eſſe volumus, infra triginta dies poſt receptionem hujus Brevis ad aſſidend. quantum de cuſtagiis prædict. ſuper prædict. Burg. & paroch. de Buckingham ac prædict. Burg. de Chepping Wicombe, alias Wicombe, & præd. Burgi de Aylesbury, cum membris eorundem, & Vill. de Agmondiſham, Wendover, & Marlowe magna, cum membr. eorundem, ſeparatim poni aut aſſideri debeat. Et ſi hujuſmodi Aſſeſſamenta infra præd. triginta dies per vos ſex vel plures veſtrum fieri non contigerint, tunc aſſignavimus te præfat. Vic. Com. noſtri Buck. ad aſſidend. hujuſmodi ſuper præd. Vill. & Burgos & membr. eorundem faciend. prout rationabiliter videris faciend. Et volumus quod de toto facto tuo tu præfat. Vic. Buck. ſub ſigillo tuo præd. Major. & Ballivos reddas certiores. Aſſignavimus etiam vos præfat. Ballivos & Burgenſes Burgi & paroch. de Buckingham ad aſſidend. omnes homines in præd. Burgo & paroch. & membris eorundem, & terr' tenen. in eiſdem (Navem vel partem Navis præd. non habentes, vel in eadem non deſervientes) ad contribuend. expenſ. circa proviſionem præmiſſorum neceſſar. & ſuper præd. Burg. & paroch. cum membr. eorundem ſic ut præfertur aſſidend. & ponend. viz. quemlibet eorum juxta ſtatum ſuum & facultates ſuas & portiones ſuper ipſos aſſeſſas per diſtrictiones alioſve modos debit. levand. Et Collectores in hac parte nominand. & conſtituend. & omnes eos quos rebelles & contrarios inveneritis in præmiſſis, carceri mancipand. in eod. moratur. quouſque pro eorum deliberatione ulterius

duxerimus

duxerimus ordinand. Aſſignavimus etiam te præfat. Majorem Villæ & Burgi de Chepping Wicombe ad aſſidend. omnes homines in præd. Vill. & Burg. & membr. ejuſdem, & terr. tenen. in eiſdem Navem vel partem Navis non habentes, vel in eadem non deſervientes ad contribuend. expenſis circa proviſionem præmiſſor. neceſſar. Et ſuper præd. Burgum cum membris ejuſdem ſic ut præfertur aſſidend. & ponend. videl. quemlibet eorum juxta ſtatum ſuum & facultates ſuas & portiones ſuper ipſos aſſeſſus per diſtrictiones alioſve modos debitos levand. Et Collectores in hac parte nominand. & conſtituend. & omnes eos quos rebelles & contrarios inveneris in præmiſſis, carceri mancipand. in eod. moratur. quouſque pro eorum deliberatione ulterius duxerimus ordinand. Aſſignavimus etiam vos præfat. Ballivos, Aldermannos, & Burgenſes, Burgi de Aylesbury præd. ad aſſidend. omnes homines in eodem Burgo & membris ejuſdem & terr. tenen. in eiſdem (Navem vel partem Navis præd. non habentes, vel in eadem non deſervientes) ad contribuend. expenſis circa proviſionem præmiſſorum neceſſar. & ſuper prædict. Burgum & membr. ejuſdem ſic ut præfertur aſſidend. & ponend. videl. quemlibet eorum juxta ſtatum ſuum & facultates ſuas & portiones ſuper ipſos aſſeſſas per diſtrictiones alioſve modos debitos levand. Et Collectores in hac parte nominand. & conſtituend. & omnes eos quos rebelles & contrarios inveneritis in præmiſſis, carceri mancipand. in eod. moratur. quouſque pro eorum deliberatione ulterius duxerimus ordinand. Et ulterius aſſignavimus te præfat. Vic. Com. noſtri Buck. ad aſſidend. omnes homines in præd. villis de Agmondiſham, Wendover, & Marlowe magna, & in membris eorundem, ac in omnibus aliis Villis, Burgis, Villat. Hamlet. & aliis locis in dicto Com. Buck. & terr. tenen. in eiſdem (Navem vel partem Navis præd. non habentes, vel in eadem non deſervientes) ad contribuend. expenſis circa proviſionem præmiſſorum neceſſar. Et ſuper præd. Villas, Burg. Vill. Hamlet. & locos, cum membris eorundem, ſic ut præfertur aſſidend. & ponend. videl. quemlibet eorum juxta ſtatum ſuum, & facultates ſuas, & portiones ſuper ipſos aſſeſſas per diſtrictiones alioſve modos debitos levand. Et Collectores in hac parte nominand. & conſtituend. & omnes eos quos rebelles & contrarios inveneris in præmiſſis, carceri mancipand. in eod. moratur quouſque pro eorum deliberatione ulterius duxerimus ordinand. Et ulterius vobis mandamus quod circa præmiſſa diligent. intendatis, & ea faciatis, & exequamini cum effectu ſub periculo incumb. Nolumus autem quod colore prædicti mandati noſtri plus de eiſdem hominibus levari fac. quam ad præmiſſa ſufficiet expenſas neceſſar. aut quod quiſquam qui pecuniam de contributionibus ad præd. cuſtag. faciend. levaverit, eam vel partem inde aliquam penes ſe detineat, vel ad alios uſus quovis quæſito colore appropriare præſumat, volentes quod ſi plus quam ſufficiat collectum fuerit, hoc inter ſolventes pro rata portionis ipſis contingen. exſolvatur. T. &c.

Convenit cum Recordo & Exam.

Per me JOH. CASSE.

And

And the other Writs, commonly called the Ship-writs, are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

4. That the Judgment in the Exchequer in Mr. *Hampdens* Caſe, a Tranſcript whereof followeth *in hæc verba*: (*viz. Quod ſeparalia brevia prædicta & retorna eorundem, ac ſchedul. prædict. eiſdem annexat. ac materia in eiſdem content. ſufficien. in lege exiſt. ad præf. Joh. Hampden de prædictis viginti ſolidis ſuper ipſum in forma & ex cauſa præd. aſſeſſis, onerand Ideo conſideratum eſt per eoſdem Barones, quod præd. Johannes Hampden de eiſdem viginti ſolidis oneretur, & inde ſatisfaciat.*) In the matter and ſubſtance thereof and in that it was conceived that Mr. *Hampden* was any way chargeable, is againſt the Laws of the Realm, the Right of Property, the Liberty of the Subjects, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

Theſe Votes were afterwards tranſmitted by the Houſe of Commons to the Lords, and delivered by Mr. *Saint-John* now his Majeſties Solitor General, at a Conference of both Houſes of Parliament, held 16 *Car.* 1640.

Die Mercur. 20. *die* Jan. 1640.

It was Reſolved by the Lords upon the Queſtion,
Nemine contradicente:

I. THat the Ship-Writs, the extrajudicial Opinions of the Judges therein, both firſt and laſt, and the Judgment given in Mr. *Hampdens* Caſe, and the proceedings thereupon in the Exchequer Chamber, are all illegal, and contrary to the Laws and Statutes of this Realm, contrary to the Rights and Proprieties of the Subjects of this Realm, contrary to former Judgments in Parliaments, and contrary to the Petition of Right.

Likewiſe Reſolved upon the Queſtion,
Nemine contradicente:

II. THat the extrajudicial Opinions enrolled in the Exchequer Chamber, and in other Courts concerning Ship-money, and all the proceedings thereupon are illegal in part and in whole, and contrary to the Laws and Statutes of this Realm, and contrary to the Rights and Proprieties of the Subjects of this Realm, and contrary to former Judgments in Parliaments, and contrary to the Petition of Right.

Die

Die Veneris, 26. die Februarii, 1640.

UPon the Report of the Right Honourable the Lords Committees appointed to conſider of the way of Vacating of the Judgment in the Exchequer concerning Ship-money, It was Ordered by the Lords Spiritual and Temporal in the High Court of Parliament aſſembled, That the Lord Keeper, or the Maſter of the Rolls, the two Lord Chief Juſtices, and the Lord Chief Baron, and likewiſe the Chief Clerk of the Star-Chamber, ſhall bring into the Upper Houſe of Parliament the Record in the Exchequer of the Judgment in Mr. *Hampdens* Caſe concerning Ship-money; and alſo the ſeveral Rolls in each ſeveral Court of Kings Bench, Common-Pleas, Exchequer, Star-Chamber, and Chancery, wherein the Judges extrajudicial Opinions in the Caſes made touching Ship-money be entered, and that a *Vacat* ſhall be made in the Upper Houſe of Parliament of the ſaid ſeveral Records. And likewiſe the Judgment of Parliament touching the illegality of the ſaid Judgments in the Exchequer, and the proceedings thereupon, and touching the illegality of the extrajudicial Opinions of the Judges in the ſaid ſeveral Courts concerning Ship-money, be annexed and apoſtiled unto the ſame: And that a Copy of the Judgment of the Parliament concerning the illegality of the ſaid Judgment in the Exchequer, and the ſaid extrajudicial Opinions of the ſaid Judges concerning Shipmoney, be delivered to the ſeveral Judges of Aſſize; And that they be required to publiſh the ſame at the Aſſizes in each ſeveral County within their Circuits, and to take care that the ſame be entered and enrolled by the ſeveral Clerks of Aſſizes; And if any Entry be made by any *Cuſtos Rotulorum*, or Clerk of Aſſize, of the ſaid Judgment in the Exchequer, or of the ſaid extrajudicial Opinions of the Judges, that ſeveral *Vacats* be made thereof, *per judicium in Parliamento:* And that an Act of Parliament be prepared againſt the ſaid Judgment and extrajudicial Opinions, and againſt the Proceedings touching Ship-money.

Memorandum quod Viceſimo ſeptimo die Febr. 1640. Annoque regni Regis Domini noſtri Caroli Angliæ decimo ſexto:

VAcatur iſtud Recordum & Judicium inde habitum per conſiderationem & judicium Dominorum Spiritual. & Temporal. in Curia Parliam. & irrotulamentum ejuſdem cancelatur.

Memorand' quod Viceſimo ſeptimo die Feb. præd.

IStud Irrotul. & omnia & ſingula in eodem contenta & expreſſa vacantur per Judicium Dominorum Spiritualium & Temporalium in Curia Parliamentum.

And that all the Rolls be raſed croſs with a Pen, and ſubſcribed with the Clerk of the Parliaments hand. All which was accordingly done in open Court.

After this it was Reſolved upon the Queſtion, *Nemine contradicente*:

THat the Reſolutions of the Judges touching the Shipping-money, and the Judgment given againſt Mr. *Hampden* in the Exchequer, and all the Proceedings thereupon, are againſt the Great Charter, and therefore void in Law.

Reſolved upon the Queſtion, *Nemine contradicente*:

THat *Vacats* and Cancellations ſhall be made of the Reſolutions of the Judges touching the Shipping-money; and of the Enrolments thereof in the ſeveral Courts, and of the Warrants for Ship-Writs, and proceedings therein; and the Judgment given againſt Mr. *Hampden*, and proceedings thereupon; and that Entries be made of thoſe *Vacats* upon the ſeveral Rolls, according to the Form read in the Houſe.

Eodem Die.

ORdered that theſe Reſolutions be added to the former Judgments of this Houſe concerning Shipping-money, *which the Judges are to publiſh at the Aſſizes in their ſeveral Counties, and to be Entered and Enrolled in the ſeveral Counties by the Clerk of the Aſſizes.*

The Certificate of Sir John Denham, *Knight, one of the Barons of the Exchequer, concerning* Ship-money, *26. Maii, Anno Dom. 1638.*

MAy it pleaſe your Lordſhips, I had provided my ſelf to have made a ſhort Argument, and to have delivered my Opinion, with the Reaſons; but by reaſon of want of reſt this laſt night, (my old Diſeaſe being upon me) my ſickneſs and weakneſs are greatly increaſed, inſomuch that I cannot attend the buſineſs as I deſire. And if my Opinion be required, it is for the Plaintiff.

JO. DENHAM.

Serjeants Inn in Fleetſtreet
26. Maii, 1638.

His ſecond Certificate, directed to the Lord Chief Juſtice Bramſton, 28. *Maii*, 1638.

My Lord,

UNderſtanding that ſome miſconſtruction was taken by ſome in the Declaration of mine Opinion, which I deſired your Lordſhip the laſt Saturday to deliver in my name; for farther ſatisfaction therein, although I was moſt deſirous to have paſſed my Vote in ſilence in this Work of weight, by reaſon I heard not the laſt four Arguments, yet I delivered my Opinion for the Plaintiff, which I took to be *Hampden*, by reaſon it appeared by the Record, that he coming in upon Proceſs, *Quæritur ſe colore præmiſſorum graviter vexari, & hoc minus juſte, &c.* which ſatisfied me that he was Plaintiff. And therefore I now declare my Opinion for Mr. *Hampden*, who did demur.

I ſhall onely deliver theſe two Reaſons for maintaining of my Arguments.

The firſt is, That his Majeſty is, *Sola & Suprema Juſtitia Regni:* And the Rule of the Law is, and hath always been, That his Majeſty can do no wrong. And thereupon ariſeth another Rule in our Law, (which I give for my ſecond Reaſon) That the Kings Majeſty (being of an incorporate capacity) can neither take any Lands or Goods from any of his Subjects, but by and upon a Judgment of Record, which according to our daily experience in the Exchequer, there muſt precede ſome Judgment in that or ſome other Court of Record, whereby his Majeſty may be entituled either to the Lands or Goods of a Subject. As namely, where Seizure of Goods of a Subject is made for his Majeſty, either upon Outlawries, Attainders, or matters of the like nature, as in Caſes of Seiſure in the Court of Exchequer, where Seiſures are given by the Statute: yet without a Judgment in that Court, upon a Trial for the King, the Goods are not to be recovered to the uſe of the King, as forfeited.

Upon conſideration whereof, and comparing the ſame with his Majeſties Royal Writ, I find no Judgment thereupon had or given, which were the chiefeſt Reaſons of my opinion for Mr. *Hampden.*

28. *Maii*, 1638.

Sir John Finch *Knight, Lord Chief Juſtice of the Common-Pleas, his Argument touching the Ship-money in the Exchequer Chamber,* June 9. 1638.

A Writ under the Great Seal of *England*, dated *Auguſt* 4. 11 *Car.* went to the Sheriff of *Buckinghamſhire* (Sir *Peter Temple*) commanding that a Ship of 450 Tun and 180 Men, to be furniſhed with all Ammunition and Tackling at *Portſmouth*, for 26 Weeks, to go with other of his Majeſties Ships, and of the Subject, to defend the Dominion of the Sea and Realm, being in danger; and for to aſſeſs all his Majeſties Subjects, and all the Inhabitants within the ſaid County: and all Occupiers, Tennants there, that have no part in a Ship, nor ſerve in the ſame, to contribute for and towards the preparation and ſetting forth of the Ship according to their abilities.

The Record of *Certiorar.* ſaith *Stoak Mandevile* is within the ſaid County, and was aſſeſſed at a reaſonable rate; and that the ſum of 20 *s.* was aſſeſſed upon the Lands of *J. Hampden* Eſq; as by a Schedule of *March* 9. 12 *Car.* annexed unto the *Certiorar.* may appear.

Whereupon a *Mittimus*, *May* 5. 13 *Car.* with the Certiorar. and Schedule was directed unto the Barons of the Exchequer to do there for the ſum unpaid *prout de jure & per legem & conſuetud. Reg. noſtri fuer faciend.*

A *Scire fac.* upon this went forth of the Exchequer to warn Mr. *Hampden* to ſhew cauſe why he ſhould not pay the 20 *s.* upon the return of which Mr. *Hampden* appeared, and demanded *Oyer* of the Writ *Certiorar. Mittimus*, and *Scire fac.* and upon hearing of them read, he demurred, and Mr. Attorney joined, then my Lord Chief Baron, and the Court of Exchequer, and journed it to the Exchequer Chamber, deſiring the advice of all his Majeſties Judges, and look what advice we, or the greater number of us give, the Court ought and muſt give Judgment upon it accordingly.

In the debating of this Caſe, there have been great variety of Opinions amongſt the Judges; a thing uſual and frequent in all great Caſes and Conſultations, which ſhews commonly the difficulty of the thing, and argueth a candor and clearneſs in the Judges, between whom Combination and Conſpiracy would be moſt odious. All that have gone before me, have in one thing agreed, that it is the greateſt Cauſe that ever came in any of our memories, or memorial of our Predeceſſors.

As the Sun ariſing in the Horizon ſhews not the Figure ſo clear, as when it is beholden in the Meridian, ſo by mixing many impertinencies with the Caſe in Judgment. It hath been apprehended to be of a more tender conſequence then indeed it is; yet tender and weighty it is, if equally weighed in one ballance, we may put the Regal power, or rather the Regality it ſelf in the other, the Priviledges and Liberty of the Subject in his Perſon and Eſtate.

To look upon either of theſe, or both, through the multiplying glaſs of Affection, is to hold neither of them true; neither can they be ſo truly diſcerned, much leſs to multiply by the glaſs of Fanſie, and therefore Juſtice need to hold the Beam ſtrait.

I cannot fear my ſelf, when Vulgar Cenſure hath executed it ſelf upon every one that hath delivered himſelf in this matter, yet I will not ſay, *Domine poſuiſti me in lubrico loco*, for we that do ſit here, do move in a Sphere

Sphere, and ſhould be like the *primum mobile*, according to whom all others are to ſteer their courſe, and Judges themſelves muſt move ſteadily upon their right Poles, as I hope this Court will.

What Judge ſoever he be that is elevated by popular applauſe, or animated by the contrary to accumulate honour, is fitter rather to live *fæce Romuli quam in policia Angliæ.*

Nor will I loſe time, remembring the ſtrickt Oath of a Judge, who ſhould expell all the reſpects, and ſpeak his conſcience, I hope none of us forget the duty we owe to God and the King, and Commonwealth, and to our ſelves; I ſhall eddeavour to ſatisfie my Conſcience in all that that I ſhall ſay, and they forget their duty to the yrſt, and humanity towards us, thet ſay or think the contrary of any one of us, ſome of us have Fortunes and Poſterities, and therein have given Hoſtages to the Commonwealth, and as much intereſt in this caſe as Mr, *Hampden.*

Thoſe that want thoſe bleſſings want thoſe temptations that make them dream of (or hunt for) Honour, or Riches to perpetuate their Name and Families: To them nothing can be more precious than the balm of integrity, which will preſerve their names and memories; It cannot be preſumed but that we ſhould ſpeak our Conſciences ſince we well know ſhortly (as the Pſalmiſt ſays) *Corruption ſhall ſay, I am thy father, and the Worm, I am thy mother.*

In handling this caſe no man can think I ſhall do other than right herein; I am troubled rather for a method, than matter; rather how to diſpoſe what I find, than find what to diſpoſe; I ſhall endeavour ſhortly and cleraly, (conſidering the time I have to ſpend, and the weightineſs of the matter about which I am to ſpeak) to deliver my opinion with the reaſons of it, and my endeavour ſhall be rather to contract than omit,

I have, with the beſt care I could, taken my notes of all that hath been ſaid for or againſt Mr. *Hampden*, and have, according to the meaſure of my underſtanding, weighed and pondered all that hath been ſpoken both at the Bar, and by my Brothers, and beſtowed many hours in meditation about them, which the time of reſt and repoſe might have challenged.

Before I enter into the Caſe, I ſhall ſpeak of the ſteps and degrees by which this cauſe hath come to judgment, whereby it will clearly appear with what Clemency, Wiſdom, Juſtice, and Goodneſs his Majeſty hath proceeded in this buſineſs.

The firſt Writ went out to the Port Towns and Maritine parts of the Land the twentieth of *October*, 10 R. *Car.* upon advice taken between his Majeſty and his Council, before then of thoſe Writs I can ſay nothing, for I was commanded at that time to attend another ſervice about another employment, the Forreſt of *Deane*, but it is well known the reſolution taken by his Majeſty therein was grounded and relied upon the judgment and learning of Mr. *Noy*, Attorney General, a man of great Learning, and one that had great inſight into Records, by whom the matter was firſt prepared, collected, and digeſted, and afterwards imparted to ſome of his Majeſties learned Council, and afterwards to ſome other eminent perſons of the Commonwealth of no leſs judgment and knowledge of the Laws of this Realm; and upon conſultation with my Lord Chief Baron, and his Majeſties Barons of the Exchequer, his Majeſty commanded thoſe Writs to be ſent forth, againſt the legality of which nothing hath bee truly alleaged; it is true, they are not in

Judgment

Judgment properly before us, and if method did not preſs it, I ſhould not have mentioned them.

1. *Octob.* 10. of his Majeſties Reign his Majeſty was pleaſed to command me to ſerve in the place that now I do, and thoſe Records, Writs, Commiſſions, and other Preſidents were brought to me, as they had been formerly to my Lord Chief Juſtice, and my Lord Chief Baron, and we there did confer together, and delivered our opinions in writing under our hands.

Upon view and diligent peruſal of a multitude of ancient Records, and Writs, and other Preſidents of *E.* I. *E.* II, and *E.* III. and other Records of other Kings Reigns; we delivered our opinions in theſe words, That the *Dominion of the Sea* belongeth to the King, and that he is ſole Lord and Proprietor of the ſame; in which reſpect his Excellent Majeſty theſe Regalities and Royal Powers is to defend againſt all Hoſtile Actions, Intruſions, and Invaſions, as well the good of his Subjects as ſtrangers, importing and exporting their Commodities; and for the defence of the Kingdom, and for the better performing whereof the Cinque Ports have been required to prepare ſuch a certain number of Ships of divers Burdens, and Men of Arms, and at ſuch times at their own charges from time to time as the ſame Writs and the preſent occaſion required, and for the time and place, and reſidence of their attendance his Majeſty was the ſole Appointer and only Judge, and this was the conſtant uſe in the Reigns of thoſe Kings, and this was agreeable to the Common Law of *England*,

15, *Novemb.* 1634. before the next Summer his Majeſty finding the danger to grow general, and conceiving there was little reaſon that the Maritine parts ſhould bear the whole charge. for that the whole Realm was intereſted therein; afterwards he required our opinions, *viz.* my Lord Chief Juſtice, my Lord Chief Baron, and my ſelf, in *June* 1635. After conference together, we delivered our opinions, and upon conſultation conceiving the reaſon of the Preſidents before, and the rule of the Law and Reaſon requiring that when the whole Kingdom was in danger, the defence that concerned the whole Kingdom ſhould he born by all the Subjects of the Kingdom: This was firſt verbally delivered to his Majeſty, and afterwards we put it in writing under our hands in thoſe words *prout*, &c. whereas the charge of defending the Sea had been impoſed upon the Cinque Ports, ſo where the whole Kingdom is in danger, the whole charge ought to be maintained by all the Subjects of the Realm.

And amongſt other Writs, this to the Sheriff of *Buckingham* went forth at the time aforeſaid, after which his Majeſty finding ſome queſtion made of the legality of it, he called all his Judges, not ſingle, or any one in a Corner, but becauſe he would have every one of them truly informed, required them to adviſe together, and every one of them by themſelves to give his opinion, according to which we ſeverally, and every man by himſelf, and all of us together delivered our opinions under our hands in this manner, *viz.*,

That when the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, of which your Majeſty is the ſole Judge, your Majeſty may by writ under your Great Seal of *England* command all the Subjects of this your Kingdom at their charge to provide and furniſh ſuch a number of Ships with Men, Munition, and Victuals, and for ſuch a time as your Majeſty ſhall think fit, for the defence

defence and ſafety of the Kingdom from ſuch danger and peril, and that by the Law your Majeſty may compel the doing thereof, in caſe of refuſal, which (the Clauſe *his Majeſty was ſole Judge of* was only put in by ten of us) my Brother *Hutton*, having not ſeen nor weighed the Preſidents, took time to adviſe, and gave no opinion at this Conference between us; and my Brother *Crook* had the ſame reaſon, being not acquainted with thoſe Writs, but yet ſubſcribed his opinion ſingly by himſelf, *December* 1635. (*viz.*)

That where the good and ſafety of the Kingdom is in danger, of which his Majeſty is the ſole Judge, his Majeſty may command all his Subjects at their charge to provide and furniſh ſuch Ships at Sea with men and Munition as ſhall be neceſſary for the defence thereof, and this I hold to be agreeable to Law and Reaſon.

Though I received nothing of this his opinion in his Argument, yet he ſtill holdeth it, wherein I obſerve:

1. That the King is the ſole Judge of the danger, and whether it be imminent.

2. Not only that the King may in ſuch danger command his Subjects to defend the Kingdom in caſe of neceſſity, but that the charge of the defence ought to be born by all the Realm in general, which opinion was more independent than the reſt, for that our opinion before it had relation to the Preſident of Maritine parts, but this was that the Subject might be charged abſolutely; and this was delivered by him readily and cheatfully without heſitation, he will not deny it; I ſpeak not of this as of a thing whereby he ought to have been concluded, but that all the world ſhould know that his Majeſties Regal and Legal Power go hand in hand together, and that his Princely love and affection to his Subjects is ſuch that he is willing to prevent all miſtakes, and I ſpeak it alſo to this end, that when Judges ſingly deliver their opinions to the King not examining the reaſons that moved them unto it we ought to ſee very good and pregnant reaſon to vary from that opinion, though it be not binding.

This his Majeſty required for his own private ſatisfaction, and this I dare boldly ſay was ſo delivered by us, that no one Judge knew the opinion of the reſt.

When his Majeſty found ſlackneſs in ſome of his Subjects in contributing towards this charge, and thinking that it proceeded rather from miſunderſtanding of the Law than from want of duty, as deſirous of his Princely love to avoid all miſtakes, did upon the ſecond of *February*, 1636. ſend a Letter to all us his Majeſties Judges and Barons of the Exchequer, thereby requiring our ſeveral opinions about which we all conferred, and the particulars, wherein our opinions were required, had been long thought upon, and conſidered of before, or elſe we were much to blame, for we had it time enough to think upon it; and though our anſwer was returned the ſeventh of the ſame Month of *February*, yet we had it in our conſiderations from *June* 1635. fifteen Months before the anſwer before the anſwer returned, there was no ſurprize, I will ſpare to name our opinion then delivered, for it hath been repeated before, when we came to the debate and voting of this, we broke the Writs into ſeveral parts and queſtions, as,

Firſt, When the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether it ought not to be defended at the charge of the whole Kingdom, and agreed it was *una voce nullo contradicente*, that it ought. Secondly,

2. Whether the Charge of the Defence might not be commanded by the King; which was alſo agreed that it might.

3. Whether the King was not the ſole Judge both of the danger, and when and how it was to be prevented, wherein my Brothers (*Hutton* and *Crook*) did agree it likewiſe, that he was ſole Judge of the danger. What their Opinions are now, and wherein they differ, I ſhall with their good leaves, examine; and their Reaſons and Differences (though indeed of the Kings being the ſole Judge in their Arguments, my Brother *Crook* ſpake nothing of his Opinion therein, nor my Brother *Hutton* nothing againſt it) but we delivered not our Opinions upon the (by,) nor was it ſo required by his Majeſty. It was then alſo declared by all of us, that we delivered not our Opinions as binding Opinions; nor were they ſo required by his Majeſty. Of all which, I dare boldly ſay, his Majeſty was truly informed; and this was alſo ſoon after publiſhed at his command, and recorded by my L. Keeper and L. Privy Seal; the firſt of them uſing many Arguments and ſound Collections, delivered it in charge of his Majeſties Judges to deliver it in their Circuits, which might have ſatisfied any that reſpected not their own private benefit, and Mr *Hampd.* of all, I think, hath the leaſt reaſon to complain, being aſſeſſed but 20 *s.* a contemptible ſum, in reſpect of his annual Revenue, to bring this Caſe to Judgment. Yet his Majeſties clemency appears to be great herein, in that he would not debar any to queſtion the lawfulneſs of it, though he hath permitted *Arcana Imperii*, nay, *Imperium ipſum*, I would to God I could not ſay, even too licentiouſly debated at this Bar. I ſpeak it not by way of reprehenſion, but admonition to the Counſel who are to be commended in that they have done their duty faithfully for their Clients; yet I may ſay ſuch a Ravel and diving into the Kings Revenue, and ſecret Eſtates of Princes, and what ſucceeding Kings may be or do, it doth not well become theſe preſent Times: it would not have been endured in the beſt preceding Times.

It was not well done to doubt ſucceeding Poſterity, that promiſe as much as any of their Predeceſſors have done before us for the good of the Common-wealth.

It was not well to clog the Cauſe with ſo many Preſidents, impoſſible to be throughly obſerved; but our example (I hope) ſhall be a bar hereafter, and our care ſhall be to prevent it, being a great hindrance to the expedition of Juſtice, and cauſes of great expence to the Subjects long attendance about their Cauſes here, which may prove a greater charge than in providing Ships for defence of the Realm.

I come now to the Caſe as it ſtands in Judgment before us, wherein my Method ſhall be,

1. Firſt to examine what the Caſe is.

2. Secondly, I wil give my Opinion of the Caſe, with the Reaſons thereof.

3. I will anſwer the Objections made againſt it.

4. Fourthly, I will ſpeak of the Form and Quality of the Writ 4. *Aug.* the *Certiorar'*, the *Mittimus*, and the *Scire Fac.* out of the Exchequer, and to all theſe with what brevity I can, I will ſpeak, according to the weight of the Caſe, where variety of Opinions give juſt cauſe to ballance them; the Caſe muſt riſe out of the Record, and muſt ſtand or fall upon that.

1. Firſt for the Caſe it ſelf; and therein firſt I will ſhew what danger there is, that is, the Ground of the Charge.

2. What things there are to maintain it: As for other things they tend unto the deſtruction of the Caſe.

Firſt, I am of Opinion that the danger of the whole Kingdom ought

to

to be expreſſed clearly, for elſe the ground-work faileth; for if no danger, no reaſon for the charge, I am of opinion, that in the Writ 4. *Aug.* it ought to be expreſſed, and not in the *Mittimus*; though as my Brother *Jones* obſerved, the *Mittimus* comes time enough to Mr. *Hampden* to give him notice, yet he was not liable to the Charge, but by the Writ 4. *Aug.*

It is objected that the danger is not clearly expreſſed, for it is not upon words of certainty, but by way of incertainty, *quod datum eſt nobis intelligi.*

Secondly, For the Cauſes of the Writ, that it hath not relation to the danger of the Kingdom, but to defend the Sea-coaſts againſt Pirats, *&c.* they are not worthy of a Royal Navy, as my Brother *Crooke* alſo obſerved.

But I hold firſt, that the danger is ſufficiently expreſſed, *certum eſt ſicut ſe res habet, datum nobis eſt intelligi*, a thing very ordinary with us, and in all former Writs *ex relatione, &c, Quod vulgaris opinio eſt, &c.*

Although my Lord Chief Baron parallel'd this to the Caſe of Pattents, *Ex certa ſcientia* (which is nothing alike) for there before the King paſs away Land, he may be informed he may do it; but I hold as this Caſe is, the danger will not permit to be examined whether there be juſt cauſe of fear, for then it might receive delays, which are dangerous, and the Kingdom be loſt while we are diſputing.

And then for the Phraſe it ſelf, *datum eſt nobis intelligi*, it is ſufficient that the King knows there is danger; and therefore if it had been but onely *intelligimus*, none can deny it, but it had been ſufficient; and what difference is there between *intelligimus, & datum eſt nobis intelligi*, that ſets forth the knowledge of the danger, and this ſhews the means whereby he doth know it, *ut datum eſt nobis intelligi*, this goes farther than *ex auditu rumor eſt, &c.* therefore unleſs the King ſhould go out of the Kingdom to ſee the danger, can it be otherways expreſſed?

Secondly, I hold that the danger it ſelf, with the motives in the Writ, are ſufficient; alſo the motives are great depredations of the Subjects Goods and Life. But it is not upon this I reſt, for this hath relation to Pirats leading divers Chriſtians into Captivity, theſe are good motives, and (as one of my Brothers ſaid well) though theſe have relation to Pirats; yet *Bellum Piraticum* points at us as much terror as *Hannibal ad Portas.*

I ſhall not much rely upon that, that the Enemies of Chriſtendom, and of this Nation, did prepare *ad Mercatores noſtros ulterius moleſtand', nos ad regnum gravand' niſi citius remedium apponatur, &c.* But this, *Conſideratis periculis quæ undique his guerrinis temporibus imminentibus ita quod nobis & ſubditis noſtris defenſionem maris & regni omni feſtinatione qua poterimus convenit, &c.* ſhews otherwiſe than for the Pirats: this Defence was requiſite. Therefore the next Clauſe is, *Nos volentes defenſionem Regni, tuitionem Maris, ſecuritatem Subditorum noſtrorum, &c.* And therefore that *Salva conductione Navium & Merchandizarum quæ ad regnum noſtrum Angliæ venerint & de eodem regno ad partes exteras tranſeunt*, &c. take not away the former words, or limit them. As for the Clauſe in the *Mittimus*, I ſtand not upon it; nor that *Salus Reg. & Pop. noſtri Angl. periclitabitur*, &c. admit there had been no preamble or expreſs mention of danger, I hold the Command it ſelf is ſufficient ſetting forth of the danger; which is, that the Ship be with other his Majeſties Ships, and the Ships of other his Majeſties Subjects at *Portſmouth* the firſt day of *March* next following: the words of the Record be, *Exinde cum Navibus noſtris & Navibus aliorum fidelium Subditorum noſtrorum pro tuitione*

Maris & defenſione noſtrorum & veſtrorum, &c. and particularly to expreſs the danger is not neceſſary; for the King, the ſole Arbiter of Peace and War, beſt knows it. And it was the practice in former times, and ſo no wiſdom for the King, who is the ſole Arbitrator of Peace and War, to expreſs the danger in particular, when Arms uſually go before Heralds; nor is it the uſe of Princes to Complement, to tell the Enemy that they will, or intend to invade their Lands, and therefore I hold, though it might be more clear, yet *ſatis eſt quod ſufficit*, I in my own conſcience am ſatisfied the danger is certain enough expreſſed in the Writ, and ſo I have done with, firſt, the Particular (the Danger) which was the ground of this Writ. As to the ſecond Particular:

What is alledged to be for the preventing of that Danger. My Brother *Hutton* and my Brother *Crook* would have it to be raiſing of Money by reaſon of the Clauſe in the Writ for the diſtribution of the Surpluſage; but the Record is, *ad aſſidend. omnes homines & ad contribuendum Navem vel partem Navis non habentes*, &c. which ſhews that it cannot be for Money; neither is there any colour for Money, for it is to find a Ship: and if they have not of their own, they muſt build or buy one with their Money. But there is a great deal of difference between payment of Money, and finding of a Ship: and if my Brother *Crook* be required to find a Light-horſe and Arms, he muſt buy one, or hire with his money, if he have none, but yet the Charge is not onely for Money, but to find a Light-horſe.

But my Brother *Crooks* Objection is, if any Surpluſage remain it ſhall be divided, and ſo the Sheriff is to detain no part of it, but imploy it for the Publick Good, and not convert it to his own private benefit.

To this I anſwer, That this ſhews the equality of the Charge, which is fitteſt to be by payment of money.

Object. My Brother *Crook* hath further objected, that an Inland County cannot build a Ship, a great trouble for the County of *Buckingham*, ſo far from the Sea, to build a Ship.

To this I anſwer, that thoſe of *Bucks.* may hire a Ship, if they may not build one, and the words are but (*parare*) not for the Building, but Preparing a Ship: and it was not meant that they ſhould build it there, but that they ſhould contribute to the Building of a Ship in the moſt fit and convenient place.

Now in my opinion the King knowing and declaring the whole Kingdom to be in danger, and neceſſarily requiring his Subjects to defend and provide for this danger at Sea, the King may thereupon command all his Subjects to provide Ships to join with his Navy Royal againſt the Enemy of the whole Realm: and it is clear in the Caſe, and was the meaning of us all, that the King muſt join in the Charge, it being far from us to excuſe the King in his rateable part.

My Reaſons that the King may thus charge his Subjects to join with him in the Defence:

1. The Defence of the Kingdom muſt be at the Charge of the whole Kingdom in general.

2. That the Power of laying the Charge is by the Policy and Fundamental Laws of this Kingdom ſolely inveſted in the King.

3. The Law that hath given this Power to the King to do theſe things, hath given him Means to put theſe things in Execution.

In

In all theſe I ſhall ground my ſelf upon Authorities in Law, and Preſidents in all Ages.

1. Firſt, That the defence of the Kingdom muſt be at the charge of all the Kingdom, I ſhall prove from the Law of Nature, which is, that every thing in nature ought to defend it ſelf.

2. From the Rule of Reaſon, for *quod omnes tangit ab omnibus ſupportari debet.*

3. Thirdly from the true uſe of all that we enjoy, which muſt be abuſed if not imployed to and for the good alſo of thoſe that come after us; and neceſſary it is for our poſterity to have all ſure and ſafe. A good Patient will ſpare ſome bloud to preſerve his own health, and a good Husband will ſpare ſome piece of his beſt ground for Ditches and Fences to preſerve the reſt; and he is an ill Husband that finds not ſafety in that he doth.

4. From the Law of Property; As every one hath a particular property in his own goods, ſo every one hath a property in general in anothers goods, for the common good. For the Common-wealth hath a property in every Subjects goods, not onely in time of War, but alſo in time of Neceſſity. In Peace therefore if one take away my goods without my conſent, I have my Action and recover Damage. Doctor and Student ſays, both a Treſpaſs of Lands and Goods is puniſhable by Indictment, and Treſpaſs at the Kings Suit, as well as at the Subjects: and this is by reaſon of the publick Intereſt that the King hath in every Subjects Goods for the Common good.

Now the Rule and Maxim before, ſo clearly and fully put and agreed by all, is, that in caſe of neceſſity that is apparent, the Subject ought to defend the Kingdom; and my Brother *Crook* agreed in caſe of danger, ſo it be imminent, all men are bound in their Perſons and Eſtates to defend the Land and the Kingdom. And when he ſays they muſt then *exponere ſe & ſua*, I think he means a man that takes and goes a Journey, may carry his money with him, *ſe & ſua, id eſt, bona & catalla ſua*, or elſe means the King cannot command their money without their conſent, of which I will ſpeak in its proper place.

I come now to the ſecond part of my general Head, which is the Power of laying this Charge.

By the Fundamental Laws and Policy of this Kingdom, the ſole Intereſt and Property of the Sea, &c. is in the King; I will not ſpeak of the Original of this Monarchy, this is fit rather for Civilians, Hiſtorians, or the Pen of a Divine, than a Judge at *Weſtminſter-Hall*; nor will I ſpeak of the Diviſion of Monarchies. The Poets ſay, that *Saturn* was the firſt Founder of Kingdoms; onely this I will ſay, that for the excellency of the Government of this Kingdom, through Gods bleſſings, that none are more happy than we. Look and ſee in other Nations, and tell me if you can find out any place where they can, and do enjoy thoſe Mercies of Peace and Plenty which we do. For as we may juſtly ſay; *O Fortunatus nimium bona ſi ſua noverint Britannos:* Nor will I perplex my ſelf with the Original of this Nation and Monarchy. Some Stories are fabulous, and others doubtful, nor any ſo clear as to ſet it forth certainly, though they ſpeak truly, what is ſufficient for us to know: Nor is he the pooreſt man, *Qui non poteſt numerare pecus*; nor he one of the worſt Gentlemen, that cannot ſhew the Original of his Pedegree. The excellency of this Monarchy is ſufficient, that it is a Monarchy; and that is moſt true which *Forteſcue* ſaith of our Laws and their excellency: I

agree *Forteſcue* was a Lord Chief Juſtice in *H.6.* time, but not Chancellor of *England.* Sea and Land make our Kingdom, and the King is *Sponſus Regni. Magdalen* Colledge Caſe, Sir *John Davies* Report, Stat. 24. *H.8.* 25 *H.* 8. 1 *Eliz.* & 1 *Jac.* the Soil of the Sea belongs to the King, who is Lord and ſole Proprietor of them; and good reaſon why it ſhould, as is well maintained by Mr. *Selden*, that worthy and learned Author, and I hope ſhall be by his Majeſty, and maintained with the Soveraign of the Sea, without whoſe Navy this Authority can do little good.

The King holds his Diadem of God onely, all others hold their Lands of him, and he of none but of God onely: But this is but to light a Candle for others. From hence onely I will obſerve that none others can ſhare with him in his abſolute Power.

A Parliament is an Honourable Court, and I confeſs it an excellent means of charging the Subject, and defending the Kingdom, but yet it is not the onely means.

An Honour the laſt Parliament 4 *Car.* 1. was pleaſed to beſtow upon me, which never any ſhall with more reſpect remember than my ſelf, whom they were pleaſed to chuſe for their Speaker.

And, as my Brother *Hutton* ſaid, I conceive it a fit way by Parliament to charge the Subject; and I wiſh ſome for their private humour had not ſowed the Tares of Diſcontent in that Field of the Commonwealth, then might we have expected and found good Fruit; but now the beſt way to redeem this loſt priviledge (for which we may give thoſe thanks onely) is to give all opportune appearance of obedience and dutifulneſs unto his Majeſties command.

The Two Houſes of Parliament, without the King, cannot make a Law, nor without his Royal conſent, declare it: he is not bound to call it but when he pleaſeth; nor to continue it but at his pleaſure. Certainly there was a King before a Parliament, for how could there elſe be an Aſſembly of King, Lords, and Commons, and then what Soveraignty was there in the Kingdom but this? His Power then was limited by the poſitive Law, then it cannot be denied, but originally the King had the Soveraignty of the whole Kingdom.

Thirdly, The Law that hath given this Power, hath given means to the King by his Authority to put it in execution. It is a very true Rule, The Law commands nothing to be done, but it permits the ways and means how it may be done, elſe the Law ſhould be imperfect, lame, and unjuſt, therefore the Law that hath given the Intereſt and Soveraignty of defending and governing the Kingdom doth alſo give the King power to charge his Subjects for the neceſſary defence and good thereof.

And as the King is bound to defend, ſo the Subjects are bound to obey. *Corbets* Caſe. For the defence of the Kingdom, the Subjects are bound to obey, and to come out of their own Counties, if occaſion be, and to provide Horſe and Arms in Foreign Wars, and ſuch as are compellable now to defend, Guns in ſtead of Bows and Arrows, ſo Munition, as Powder and Shot, &c. Then if the Sea and Land be but one entire Kingdom, and the King Lord of both, the Subject is bound as well for the defence of the Sea as of the Land; and then all are bound to provide Ships, Men, Victuals, and neceſſaries for that defence. And for us Iſlanders, it is moſt neceſſary for us to defend our ſelves at Sea; therefore it was the great Argument in 88. whether it was beſt to fight with the Royal and invincible Navy or Armado of *Spain* at Sea, or ſuffer them to land, and it was reſolved clearly, that it was better to fight with them at Sea, though we loſt the Battle, than our Ships to ſuffer them to land.

But

But then there was *Hannibal ad portas.* To this I ſhall anſwer afterwards, but here the Maritine Towns ſhall not help the Inland, nor the Inland the Maritine, but each of them bear their own charge, and defend themſelves; but of this I ſhall ſpeak hereafter yet undoubtedly.

Now I ſhall endeavour clearly to prove this by authority in Law, that there is no expreſs authority againſt it, though there have been ſome Books cited by my Brother *Hutton*, and my Brother *Crook*, (which I ſhall anſwer in their due place amongſt other objections) yet there is not one Authority or Opinion, much leſs Reſolution or Judgment, in neceſſary time of danger, that ſays the King may not charge the Subject for the defence of the Kingdom.

Secondly, All theſe Authorities that prove the King is truſted with the defence of the Kingdom, and in divers caſes gives him Aids, Taxes, Subſidies, *&c.* prove that the Subject is bound, in caſe of danger and neceſſity to pay them for defence of the Kingdom.

Thirdly, All the Authorities of Murage, Pontage, Saltpeter, *&c.* ſhew that for the good of the Publick the King is intereſted in the eſtate of the Subjects, and may charge them much more (if for the well-being) than when the being it-ſelf of the Common-wealth is at Stake, and in danger.

Fourthly, The Authorities of commanding the perſon of the Subject to come out of their own Counties proves the power of commanding the perſon of the Subject into Foreign parts, as in the King, much more the Eſtates of men ſhould be at his command in caſe of neceſſary defence of the Kingdom.

Fifthly, All the Commiſſions of arraying men in *Ed.* I. time, *Ed.* III. *Ed.* IV. *Hen.* VII. and *Hen.* VIII. time, *&c.* they are all granted upon the ſame reaſon, and went out for the neceſſary defence of the Kingdom; theſe Preſidents are not to command the perſon, but a Ship only *juxta facultates ſuas*, which are anſwerable in reaſon to the ancient Preſidents from Authorities. I come to Preſidents.

Preſidents though they be not Judgments, yet they ſhew the practice of the Law, and what better Book have we in the Law than the Book of Preſidents? Or what is there of more authority than that, for we have not the twelve Tables for our Common Law.

The Common Law is but the common uſage of the Land, and therefore the Preſidents alleaged by the Kings Council are of good authority to prove the Law in this caſe, wherein I ſhall not name the particulars, they have been well remembred by Maſter Attorney and Maſter Solicitor, but I will mention the ſubſtance of them.

The firſt Statute was before the Conqueſt, in the times of *Edgar*, *Alfred*, *Etheldred*, &c. the uſe was to defend the Kingdom at the charge of the whole Kingdom by the Edict of the King.

A ſtrong inference from the Preſident of the grant to the Clergy and Church of divers Priviledges with theſe exceptions of *pontium*, &c. in the time of *Edgar*, *Alfred*, *Etheldred*, &c.

The Council of *Enoch* in *Edgars* time, about 606. 621. mentioned by the learned Antiquary Sir *Henry Spelman*, *fol.* 510, and after theſe follow *hæ ſunt conſtitutiones*, &c. *fol.* 523. in which are excellent things good for Church and Commonwealth, *Cap.* 23. *Navales expeditiones*, if it be no Act, yet nothing is more like an Act of Parliament; Take the phraſe of thoſe times, and certainly it was either an Act of Parliament, or a

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proof of the Kings Power, that without Parliament he might charge the Subject for the defence of the Kingdom in case of danger, and the word Expedition is used for War, and sometime for an Army, as *Cassiodorus*, giving the reason of the Navy, says; in the third place it shews the practice of the Kings of *England* to charge their Subjects for the defence of the Kingdom in case of danger.

Now, if this charge of *Dangil* be not taken away by any of the Acts of Parliament, it remains still, says my Brother *Hutton*, and so I think it doth, or something in lieu of it, for it is not taken away by the Act of Parliament.

1. In these Presidents observe first, that they are all upon the same common Reason that this is.

2. These Writs are not limited for their number or time; so that they prove the power was in the King to charge his Subjects.

3. In these Presidents some were to Inland Counties, as *Huntington*, *Bedford*, *Buckingham*, *Leicester*, *Oxford*, *Berks*, &c. and though they went not generally to all Counties at one time, yet they went to them as occasion was; and if the danger had required, the King might if he had pleased, have sent to all, as well as to some.

But because there was never any time when all the Munition in the Kingdom was drawn at one time to one place, may it not therefore be done? The commanding sometimes of one, sometimes of another, is an Argument they may all be commanded, as occasion requires.

I do not build my opinion upon confused Notions, but on Matters digested, on Presidents of weight, the chiefest in respect of time; and after the making of *Magna Charta*, 9 *Hen.* III. 13 *Hen.* III. m. 48. 18 *Hen.* III. m. 7. and 13 *Edw.* III. m. 77. 23 *Edw.* III. m. 4. 28 *Edw.* I. m. 23. and many other in *Edw.* I. time, there is proving Contribution towards the maintenance of the Sea-coasts from Inlands, as 25 *Edw.* I. m. 13. Abbot of *Robertsbridge* Case is a full President, notwithstanding all that hath been said; so 9 *Edw.* II. *parte*, 1. 20 *Edw.* II. m. 7. 2 *Edw.* III. *Scot. Roll.* 7 *Edw.* III. m. 9. 10 *Edw.* III. m. 16, 17. 11 *Edw.* III. 12. (14, 15, 16. 18 *Edw.* III. 46 *Edw.* III. m. 34.) 25 *Edw.* III. *Rot. Franciæ* m. 9. 29 *Edw.* III. 1 *Rich.* II. 1 *Hen.* IV. and yet *Henry* the Fourth had as much reason to please the People as any King of *England*; so in *Hen.* V. though busied in the glorious Conquest, or rather recovery of *France*. God forbid we should see those times; so in *Edw.* IV. *Hen.* VI. *Hen.* VII. *Hen.* VIII. by way of offensive War, Writs and Commissions to their Subjects to contribute towards it; so in Queen *Elizabeths* time Commissions towards the maintenance of the Kingdom, 11 *Eliz.* 41 *Eliz.* Commission to the Earl of *Nottingham*, 88. Letters from the Lords of the Council, which Letters had the Queens Writ, but my Brother *Crooke* answered all these with this Rule of Law, *Judicandum est legibus non exemplis*; to this I answer him, That Examples and Presidents are good Law, they are Authorities out of the Law, and declare what the Law is, and what of more certainty, *Edw. Digest* of Writs. These are *instar oracula legis*, Presidents drawn up by the Clerk sometimes, though they pass *sub silentio*, yet are they good Authorities in the Law.

The Abbot of *Robertsbridges* Case as a President of great Authorities.

Object. No Presidents go to Inland Counties.

Solut. I answer, in truth the Presidents are quite otherways, for ordinary defence they go to Maritime Coasts only: But where the danger is general

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to Inland Counties, and after another manner, for this I refer you to my Brother *Weſtons* Argument; theſe ſhould not be ſo frequent, for firſt this danger was but ſeldom.

Secondly, Becauſe then we had double hoſtility, one from *France* by Sea, and another by Land from *Scotland*, examine the Preſidents therefore.

The third Objection that my Brother *Crooke* made, is, that we are compellable by our Preſidents to Arms, but not with any Sum of money.

I anſwer with my Brother *Jones*, *Bona corporis* are above *bona fortunæ*, but this power of the liberties of the perſons of his Subjects he agrees is in the King, then I ſay more reaſon that their Eſtates ſhould be in his power in this caſe of neceſſary defence.

Secondly, The Preſidents Warrants the quite contrary and Wages have been paid to Souldiers by the Subjects in this caſe,

The third thing that I ſhall obſerve in this caſe is the anſwering of all theſe Objections which have been made againſt it, which were three.

1. That the Writ was againſt the Common Law.
2. That it was againſt the Statute Law.
3. Many inconveniences grow thereby.

Firſt, It is againſt the Common Law, firſt, becauſe it is without Preſident, this is the firſt of this kind ſince the Conqueſt, and where there is no Preſident the Law will not bear it; *Littleton, fol.* 32. My Lord *Cooks* Commentaries upon it puts divers Caſes to the ſame purpoſe.

I anſwer, There are Preſidents for it, and the Law is ſo that the King may charge his Subjects towards the defence of the Kingdom in this Caſe.

The ſecond Objection is, that it is againſt the freedom of the Subject, that hath a true property in his goods, which cannot be taken away without his actual or implyed conſent, *Lambert, fol.* 294. *Forteſcue Magna Charta*, 17 King *John*, *Matthew Paris*, *fol.* 242. *Forteſcue*, 9. *Chap.* 13, &c. 13 *Hen.* IV. *Chamberlain* of *Londons* Caſe, Regiſter, *fol.* 127. *Fitz. N. B.* &c.

I anſwer, That that authority of *Lambert*, rehearſing the Laws of the Conquerour, is *Volumus & concedimus, ut omnes liberi homines totius Monarchiæ Regni noſtri habeant & teneant terras ſuas & poſſeſſiones ſuas bene & in pace liberos ab omni injuſta exactione & ab omni Tallagio, ita quod nihil exigatur aut capiatur niſi per Communem Conſilium*, &c. it cannot be conſtrued that they ſhould not be charged, but that they ſhould be free from all unjuſt Taxes; The King is not concluded by the ſubſequent words, *omne tallagium*, this cannot be ſo general but the King may impoſe juſt charges towards the neceſſary defence of the whole Kingdom, for this is meant plainly by the word Tallage, it appears *Tallagium* is derived from a French word, and is indeed a cutting word, and therefore *injuſta exactio*, which ſhews that for the moſt part it is taken in the worſt ſenſe, and as my Brother *Crooke* ſaid it, and the manner of expounding it muſt be from the Law.

Secondly, My Brother *Crooke* quite left out theſe words following, (that declare and expound the former,) viz. *Statuimus & firmiter præcipimus, ut omnes liberi homines totius Regni prædict. ſint fratres conjurati ad Monarchiam noſtram, & ad regnum noſtrum pro viribus ſuis & facultatibus, contra inimicos pro poſſe ſuo defendendum & viriliter ſervandum*, &c. whereby

whereby it is apparent, firſt, that the Kingdom is to be defended by the whole Kingdom *pro facultatibus*, with their goods, as well as *viribus*, by their perſons.

Secondly, It comes after the Chapter of Tenures, and ſervices, by which they are bound to defend *terras & honores ſuos*, &c. which ſhews that he meant not to free any from the charge of defending of the Kingdom in caſe of neceſſity.

Object. The third Objection is the Charter of King *John*, *Nullum Tallagium imponatur niſi per commune Conſilium.*

Solut. I anſwer, the words are concerning the defence of his own Perſon and Kingdom, and therefore it is excepted, *niſi ad redimendum corpus noſtrum*; and in the original Act theſe words are left out, *Scutage*, *Murage*, and other Aids there mentioned, ſhew that only thoſe were meant that were of private benefit were not to be impoſed by the King upon his Subjects without Parliament, but not to bar himſelf for the publick good.

The fourth Authority was *Forteſcue*, which was moſt inſiſted upon by my Brother *Crooke*.

Before I come to the words themſelves, note firſt, the time when he wrote that Book, It was after all the Acts of Parliament that took away the Regal Power, yet it mentioneth not them, ſo as it muſt needs relate to the Common Law, it was writ when the Civil Wars were between the two Houſes and himſelf in exile, no time was it then to diſpleaſe the People.

Secondly, It ſhews the differences between Kingdoms, when a Monarch rules that challengeth all power over his Subjects, and between a Monarch that governs according to poſitive Laws.

The words that ſeem to be againſt this charge are in *Forteſcue* 9. *cap.* 26. *Rex Angliæ Politicæ imperans genti ſuæ, nec legem ipſe ſine ſubditorum aſſenſu mutare poterit, nec ſubjectum populum renitentem onerare impoſitionibus peregrinis*, Cap. 13. fol. 32. *Rex caput corporis politici mutare non poteſt leges Corporis illius nec ejuſdem populi ſubſtantias proprias ſubtrahere reclamantibus eis aut invitis*, & Cap. 39. fol. 84. which my Brother *Crooke* ſays is the expreſs Authority *in hoc individuo*, the words are, *Neque Rex Regno Angliæ ibidem per ſe aut Miniſtros Tallagia, ſubſidia aut quævis onera alia imponit ligeis ſuis, aut leges eorum mutat vel novas condidit ſine conceſſione vel aſſenſu totius Regni ſui in Parliamento ſuo expreſſo*, &c.

From them all I take the true meaning of him to be, and I hold firſt that the Kingdom ought to be governed by the poſitive Laws of the Land, and that the King cannot change nor make new Laws without a Parliament.

Secondly, The Subject hath an abſolute property in his Goods, Poſſeſſions, and Eſtate, nor to his own uſe the King cannot take them.

Thirdly, Nor for his own uſe the King cannot lay any Burden, Tallage, Tax, or Impoſition without the Subjects conſent in Parliament.

Fourthly, For the benefit of Trades the King may lay fitting Impoſitions, and may command that which is for neceſſary defence of the Kingdom, which is no command of charge, but command of imploying.

Fifthly, I anſwer therefore to the great Objections that liberty of the Subject is loſt, and the property is drowned which they have in their Eſtates.

Firſt,

First, I ſay, all private property muſt give way to the publick, and therefore a treſpaſs to private men is puniſhed by Indictment, becauſe it is an offence of the Publick Weal, and though every man hath a property in his Goods, yet he muſt not uſe them to the detriment of the Common Wealth; a man may give his Graſs or Corn when it grows, or when it is in his Barn, but if he will cut it unuſefully or Burn or deſtroy his Corn, or if he throw his Goods into the Sea that it may periſh, theſe are crimes puniſhable by the Common Law; ſo tranſporting of Commodities againſt the publick good; therefore the direction of thoſe Statutes for reſtraint hereof are from the Common Law, and the reaſon of this is becauſe the publick property muſt take place, and if in petty buſineſs it may be, then much more in time of publick and great neceſſity and danger, and it is rather an averment of the Subjects property, that in caſe of neceſſity only they may be taken away, than contrary to it.

My Brother *Hutton* and my Brother *Crook* agree, that all are bound in caſe of neceſſity *exponere ſe & ſua totis viribus* to defend the Kingdom, and may he not command a part with more reaſon than all?

In the next place I ſhall remove a ſcandal that hath been put upon the King, how that his Majeſty hath meant to make a private, perſonal and annual profit by it.

What he hath done is well known, and I dare confidently ſay, all hath been ſpent without any account to himſelf, and that his Majeſty hath been at great charge beſides towards the ſame purpoſe; and I heard it from his own Royal mouth, he ſpake it to me and my Lord *Bramſton*, that can teſtifie as much, that he ſaid it never entred into his heart to make ſuch uſe of it, and ſaid he was bound in conſcience to convert it to that uſe it was received for, and none other, and that he would ſooner eat the money than convert it to his own private uſe, therefore he that thinks the King makes a Revenue of it, doth highly ſlander his Majeſty, but let Kings be as *David* was, *men after Gods own heart*, yet they will not want a *Shimei* to rail on them.

But though, bleſſed be God, his Majeſty is ſo gracious and loving to his Subjects, and ſo juſt that we need not fear that he will charge them but upon urgent neceſſity, we know not what ſucceeding Ages may do. *Object.*

It is not well to blaſt ſucceeding Ages, and if they ſhould hereafter charge unreaſonably without cauſe, yet this Judgment warrants no ſuch thing; Again, it is no Argument to condemn the true uſe, becauſe it may be abuſed; and again the Law implies as great truſt in the King as this, the King may pardon all offences, but if he ſhould, then none could be ſafe, the King may make Peace and War at his pleaſure, but yet ſhould he make Peace when Peace would ruine us, or War when War would undo us, it would be worſe than this, therefore it cannot be ſuſpected that the King would do any thing againſt Law and the publick good of the Kingdom, therefore the Law ſays, *The King can do no wrong*, for he is *Sponſus Regni*, as in *Magdalen* Colledge caſe. *Anſw.*

Clarks Caſe, and the Chamberlain of *Londons* Caſe, *&c.* *Object.*

Theſe Caſes are nothing againſt this, but rather for it. *Anſw.*

The Record of 14 *Rich.* II. *Rot.* 60. *Leavers* Caſe in the Kings Bench in an Action of Treſpaſs for taking away his Goods without his conſent, had Judgment to recover in *Durham*, but the Caſe was; One *Leaver* of the Town of *Durham* Plaintiff, brought his Action againſt another for *Object.*

entring into his houſe, and taking away his Goods, and ſixty pounds of Money; the Defendant pleaded not guilty, and the Jury found upon a ſpecial Verdict that the Defendant took away his Mony, but upon this occaſion, the *Scots* had invaded the Realm, and were in *Durham*, and would not be gone without a certain Sum of money, whereupon the Inhabitants aſſembled, and amongſt the reſt the Plaintiff was one, and they made an Order to abide the Ordinance of the greater part, which was to give the *Scots* the Money deſired, and becauſe the money was to be paid preſent down, therefore they made another Order to ſearch in all mens houſes, and to take away what Money they found, according to which the Defendant ſearched the Plaintiffs Houſe, and took away ſixty pounds, and becauſe it was without conſent, the Plaintiff had Judgment to recover in *Durham*, but upon ſpecial Verdict it was reverſed in the Kings Bench, becauſe with his conſent. Indeed the reaſons were (1.) becauſe he had ſufficient remedy againſt the Commonalty. (2.) He did it as a Servant.

Solut. But I anſwer firſt, that though the Ordinance was good by conſent, yet it followed not that it was void without conſent, the queſtion is there only, whether good by conſent.

Secondly, It follows not but that all men without conſent are bound to contribute towards general charge for neceſſary defence.

Object. Another Objection made by my Brother *Crooke* was 2 *Rich.* II. *parte prima*, where all the Lords and Sages met together after Parliament, and it was agreed by the Lords, that they could not charge without Parliament, this was a Declaration of the Law in Parliament, and an Act of Parliament, *&c.*

Solut. I anſwer, That it was no Act, but a Declaration in Parliament of the Law, and indeed no Declaration, but a relation by the Chancellour.

Secondly, If it had been a Declaration, yet it had not been binding without the King.

Thirdly, It is no Preſident of a good Book; it was when the King was young, and the Parliament had the Regency, Councellours, Treaſurers, and all his Officers about his Perſon were choſe by Parliament, and therefore no wonder they endeavoured to pleaſe the Parliament.

Fourthly, It is a Preſident that they (*id eſt*) the Lords could not charge the Commons by themſelves.

Again, the Caſe was not for the defence of the Kingdom, but Wars in *France*, *Scotland*, and *Ireland*; theſe were the many Wars.

Though Subjects may be charged for neceſſary defence of the Kingdom, yet if Forrein Wars be together with them it is otherways, and therefore in the Parliament before ſuch charge belongs not to them, and therefore they hold they ought not to bear it, and ſo that Rule of *Gaſcoigne* 24 *Hen.* IV. *fol.* 4. and no man ſhall be charged without Parliament, where Bulwarks were built, *&c.* it proves not though it implies, that if it had concerned the Kingdom, it had been otherwiſe.

Object. The next Objection was the great inconvenience that would hereupon enſue, If ſuch a charge may be, then none knows what this charge will be, for the King may command it as often as he pleaſeth, an example hereof they put of *Dane-gelt*, that in 11 years grew from 12000 *l.* to 48000 *l.* therefore the Law hath provided againſt that incertainty, and limited it to a Parliament.

Sol. I anſwer to this, that if the danger increaſe, ſo muſt the charge; again the King may command all Perſons when, and as often

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as he pleaſes he may do it; Is not this a great Inconvenience? And yet that abates not the Writ; my Brother *Crooke* ſhewed how Subſidies increaſed, and yet no inconvenience in that he conceived; and indeed this ſhews the proviſion of charge muſt be according to the danger.

Secondly, No abuſe of any thing muſt take away the true uſe thereof.

Thirdly, We cannot ſuſpect that there will be ſuch abuſe, *Ubi confidit Deus & lex & nos etiam confidemus*, God and the Law hath truſted his Majeſty, and we ſhould not diſtruſt him; in time of imminent danger, *tempore belli*, any thing, and by any man may be done, Murder cannot be puniſhed; yet ſays my Brother *Crooke*, the King cannot charge his Subjects in no caſe without a Parliament, no not when the Kingdom is invaded actually by the enemy; but truly, as I think, he was the firſt, ſo I think he will be the laſt of that opinion; eſpecially having delivered that the King is ſole Judge of the danger before, as indeed he is, and the King is ſole Judge of the danger, not any have denied it, and therefore elſe it ſhould be no danger but when every one ſhall ſay you ſhall judge that the Kingdom is in danger.

Secondly, There hath and may be as great danger when the Enemy is not diſcerned as when in Arms, and on the Land.

In time of War, when the courſe of Law is ſtopped, when Judges have no power or place, when the Courts of Juſtice may ſend out no Proceſs, in this caſe the King may charge his Subject, you grant; mark what you grant, when there is ſuch a confuſion as no Law, then the King may do it, *dato uno abſurdo infinita ſequuntur.*

2. There may be time of War in one part of the Kingdom, and the Courts of Juſtice may ſit, as in in the 14 *Hen.* III. *Rich.* II. *Hen.* VII. time, War was in ſome part of the Land, yet the Judges ſate at *Weſtminſter* Hall.

1. Now whether a danger be to all the Kingdom, or to a part, they are alike perilous, and all ought to be charged.

2. The King may charge the Subjects for the defence of the Land, and now the Land and the Sea makes but one entire Kingdom, and there is but one Lord of both, and the King bound to defend both.

3. Expectancy of danger, I hold, is ſufficient ground for the King to charge his Subjects; for if we ſtay till the danger come, it will be then too late, it may be.

4. And his averment of the danger is not traverſable, it muſt be binding, when he perceives and ſays there is a danger, and in 88 the Enemy had been upon us, if it had not been foreſeen, and provided for before it came: but I will not determine the danger now, do we not ſee our Potent Neighbours, and our great enemies heretofore, were they not prepared for War? And was there not another Navy floated upon the Sea, and was not the Dominion of the Sea threatned to be taken away? As long as this danger remains, I ſhall bleſs God for ſuch a King as will provide for the defence of the Kingdom timely, and rejoyce to ſee ſuch a Navy as other Nations muſt vail to, and we are not in caſe without it, and ſhould loſe our glory beſides.

Object. The next Objection of my Brother *Crooke* was, that there is a means provided by Parliament, which will not with-hold Aid for the defence of the Kingdom, and it were a ſin to deny it in caſe of neceſſity.

And in *Ed* I. time *Ed.* II. & 4 *Ed.* III. a Parliament was to be held every year for the defence of the Kingdom, *& propter ardua Regni.* I anſwer, that might well be, but then in the time of *Ed.* I. *Ed.* III. there was Pleas in Parliament, but thoſe are now laid aſide, and that the Subjects ought to give the King Subſidies; I will not ſay, that inferring that they will not do it, nor am I apt to believe it; but I hold Parliaments are the excellent means for the defence of the Kingdom, and yet they are not the only means, for then the Parliament, and not the King, ſhould be the ſole Judge, and have the defence of the Realm, or elſe it ſhould give the King a charge of defence without power and means.

The Objection of the Kings Revenues, Tenures, and Prerogative, they have been unfitly remembred, they have been fully anſwered.

The Statutes of Tonnage and Poundage to the King for and towards the defence of the Seas, and the other Acts of Parliament that reſtrain the Kings Power, ſo that now he cannot charge the Subject without his conſent in Parliament: I ſhall anſwer in the next place, and before I come to the particular Acts I will ſhew you what, in my opinion, they may do.

Acts of Parliament may take away Flowers and Ornaments of the Crown, but not the Crown it ſelf; they cannot bar a ſucceſſion, nor can they be attainted by them; and Acts that bar them of poſſeſſion are void.

Secondly, No Act of Parliament can bar a King of his Regality, as that no Lands ſhould hold of him, or bar him of the Allegiance of his Subjects, or the relative on his part, as truſt and power to defend his people; Therefore Acts of Parliament to take away his Royal Power in the defence of his Kingdoms are void, (as my Lord Chief Baron ſaid) they are void, Acts of Parliament to bind the King not to command the Subjects their Perſons and Goods, I ſay their Money too, for no Act of Parliament makes any difference. Now to the particular Statutes objected.

Firſt, 25 *Ed* I. cap. 5. *confirmatio cartarum.* the words are theſe, Aids or Taxes granted to the King ſhall not be taken for a Cuſtom or Preſident, and *Cap.* 6. moreover, we have granted for us and our Heirs, that for no buſineſs from henceforth we ſhall take ſuch manner of Aids, Taxes, nor Prizes due and accuſtomed; and *Cap.* 7. a Releaſe of Toll upon every Sack of Wool, and grant that we will not take ſuch things without their common aſſent and good liking, ſaving to us and our Heirs the Cuſtoms granted by the Commons aforeſaid.

As to the other Statutes *de Tallagio non concedendo, Cap.* 1. *nullum Tallagium imponetur niſi per Commune Conſilium Regni noſtri,* Cap. 2, 3, 4, 5, *&c.*

Firſt, Theſe words muſt have relation to the Aids before, and there be divers Aids, as ſome by Tallage, ſome by way of Prize, of goods, and ranſom of his Majeſties Perſon, *&c.* the King thereupon makes this grant, which hath relation to ſuch Aids as were granted voluntarily. Secondly, ancient Aids are there reſerved as redeeming of the Kings body *pur faire fitz Chevalier & pur Marrier ſon filius Eigne,* and to all other ancient Aids which are to be underſtood with an *ad redemendum corpus,* &c.

And to the Statute *De Tallagio non concedendo* in ſome Books it is not in Print, but mentioned in *Magna Charta, Raſtal,* and Petition of Right, 3 *Car.* 1628. to be in 24 and 25 *Edw.* I. and therefore I anſwer, firſt,

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it is not in the Parliament Roll; and there is varience about it, and therefore it is but an Abſtract, and no ſubſtantial Statute.

But ſince it hath paſſed for a Statute, and it is poſſible it may be ſo. I agree with all the reſt of my Brothers that it is a Statute, and then I anſwer, firſt that *Nullum Tallagium imponetur, &c.*

That is, No unlawful Talliage ſhall be impoſed upon the Subject without his conſent, or elſe *Aid pur fair faitz Chivaleir & pur Marrier Eigne fil*, ſhould not have been excepted.

Secondly, No Aid ſhall be impoſed but by the Contribution of the King and People; and here the King is taxed as well as they.

Thirdly, An Act of Parliament can by no means take it away, much leſs by thoſe general words.

In 14 *E.* 3. *c.*1. No man from henceforth ſhall be chargeable, but by common conſent in Parliament. *Object.*

That though it be but temporary in ſome parts, yet it is binding onely *ſecundum Subjectam materiam.* And the words are general, as in the other Statute *De Tallagio*; beſides the Practice in that Kings time and after, beſt interpret it. *Reſp.*

25 *E.* 3. *c.*8. No finding Men at Arms, unleſs by conſent, much leſs finding of Ships. *Obj.*

This takes not away any former Law, and therefore the Preſidents following, 4 *H.*4. ſhew that it reacheth not this Caſe. *Reſp.*

2 *H.* 4. m. 2. which is abſolute in the point, ſaith my Brother *Crook*, where a Commiſſion went forth for the Defence of the Sea, whereof complaint was made in Parliament, with deſire that it might be repealed, and it was ſo. *Obj.*

I am of the contrary opinion, for the Petition was that it might be releaſed; and the Anſwer was but this, That it ſhould, but the King would treat with his Council about it; and it was but a Repeal of his Commiſſion then onely. *Reſp.*

1 *R.*3. *c.*2. where the King grants that he would not hereafter charge them by Benevolence, or any ſuch Charge, but that they ſhould be dampned by the Law, by no ſuch Charge or Impoſition, (*i.e.*) by no ſuch Charge of Money. *Obj.*

That Statute is onely againſt Benevolence, and made by a King, that had reaſon, as we all know, to pleaſe the People for his own ends. *Reſp.*

The Statute of Tonnage and Poundage granted for the defence of the Sea; the words are, That no Talliage or Aid ſhall be without Act of Parliament. Secondly, That the King hath means to defend the Realm, with a Proteſtation not to draw it into an Example. 4. 13 *Henr.* 4. Parl. Rol. No. 10. *Obj.*

I will not argue whether Tonnage and Poundage was before this Act of Parliament, nor that time out of mind, they were granted unto the King; but my Anſwer is, That they are onely for the ordinary defence of the Sea, and the Proteſtation of 4 *H.*4. is a Proteſtation of the Commons, and this Charge is not taken away thereby; and Tonnage and Poundage is for and towards the defence of the Sea. So all the Acts are, and ſo I agree. But for Extraordinaries, and but Solely in caſe of danger of the whole Kingdom that they ſhould not be granted, cannot be collected out of thoſe Grants. *Reſp.*

The ſeventh Objection is, the Petition of Right 3 *Car.* that no Charge ſhall be impoſed upon the Subject but by Parliament. *Obj.*

I was then Speaker of the Lower Houſe, and have reaſon to remember what *Reſp.*

what then was made; and I ſay, Firſt, That there is no mention of this Caſe; Secondly, There was no new thing granted, but onely the ancient Liberties confirmed, taking notice of the Proteſtations of the Commons, not to bind the King for his ancient Right.

3. Look upon the Prayer, what is deſired, and the main ſcope was firſt generally againſt Loans, and this could not be included in theſe words; ſecondly Impriſonment without Cauſe: thirdly, Billiting of Souldiers: 4. Mariners lying within the Land.

I have now done with my third general Head. I come to the fourth and laſt, touching the Form and Legality of the Writ.

Firſt for the Legality of the Writ, and the Objections touching the neceſſity, I have anſwered before; the main Objection is to the Body of the Writ.

1. The Command to charge the Sheriff to levy and aſſeſs Money according to his diſcretion, which is not legal, for that the Sheriff ſhould make it *per Sacramentum*, by the Oath of a Jury, as in the Writs of Partition, Diſtribution, *per Rata*, *&c.*

Object. *Per. Ch. Baron. & Juſ. Crook.* The Aſſeſsment of the Sheriff is not warranted by the Preſidents, they do it not upon their Knowledge, but Preſumption of mens Eſtates: and from thence they ſpeak againſt the too vaſt power given to the Sheriff to inhance it as they pleaſe.

Secondly, The inconvenience is great hereby, for there is by this means a great inequality in the Aſſeſsment.

Reſp. I anſwer firſt to the Aſſeſsment *per Sacram.* no reaſon why it ſhould be here; for it is not done in the Commiſſions to levy Subſidies, much leſs ſhould it be done here for a matter of great haſte. And beſides, the Sheriff is truſted with more, for he hath the truſt of the whole County, and takes an Oath to execute his Office juſtly, whereof this is one part.

As to this they ſay there is no Preſident for it. Firſt I ſay, That there is no Preſident, that it hath been done by Jury, but always by the Sheriff, or ſuch whom the King was pleaſed to truſt; and ſince one muſt be truſted, none more fit than he.

Secondly, By Example we ſee he ſpeeds all, and is moſt ready for it.

Thirdly, I ſay the Writ leads not the Aſſeſsment, it commands the Ships to be provided, ſo if that be done, there is no neceſſity of an Aſſeſsment. And if the Towns and Counties ſay they will provide a Ship, and do it, then no Aſſeſsment requiſite: but if they do it not, then the Sheriff is to levy it, that the Defence may be ſeaſonable, ſo as the Clauſe of Aſſeſsment ſhews the manner of it; when a multitude is to join, none more fit than he to do it, and no way better to write to him to do it, according to mens abilities.

Fourthly, The Clauſe of Aſſeſsment is not onely to the Sheriff, but to the Head Officer of the Town and Burrough; and though the diſcretion of the Cauſe be to the Sheriff, yet it appears not that it is limitted to him ſolely.

Obj. And whereas it was ſaid that the Sheriff cannot Aſſeſs himſelf, and the Preſidents warrant not this Aſſeſsment by the Sheriff.

Reſp. I anſwer, all the Preſidents are not againſt it, but commonly it is not ſo, and yet there have been a multitude of Preſidents thus.

As to the inequality of it, Mr. *Hampden* had the leaſt cauſe of any man in *England* to complain, conſidering how he was rated. Again, All that the Writ commands is but an Aſſeſsment, *juxta facultates ſuas ita quod omnes*, *&c.* And if the Sheriff do otherwiſe, and wrong the Subjects, he

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is anſwerable, by divers ancient Preſidents, it appears that where the Sheriffs have been faulty this way they have been puniſhed. And Sir *Walter Nortons* Caſe now depending in the Star-chamber concerns this, for this abuſe in levying this charge, being High-Sheriff of *Lincolnſhire*.

Truly I think as my Lord Chief Baron ſaid, if there had not been an inequality by the abuſe of the Aſſeſſes, the Charge had not been complained of, yet the like inequality is in Subſidies, and this is no juſt cauſe of exception againſt it, but of accuſation againſt the Sheriff, who is to anſwer it.

And I can ſay truly, that his Majeſty hath been very careful to prevent and remedy the abuſes herein, and hath often ſate daily preſent in Council Chamber to give his advice herein himſelf, and upon his Command Reformation hath been in divers places, and it hath been given in charge to all his Judges in their Circuits to endeavour the ſame in all parts; and I my ſelf, by his Command have rectified Rates in this kind unequal, and I doubt not, if neceſſity of danger ſhall ſtill require it, or again it may hereafter be done with all equity.

Second Objection, That the Sheriff cannot Tax himſelf, for then he ſhould be Judge and Party in one Cauſe; nor can he commit himſelf; and if he be omitted out of the Aſſeſsment, then it cannot be equal, nor cannot be according to the Writ that commands all ſhould be aſſeſſed according to their abilities rateably. *Object.*

I anſwer, This *prima facie* carries ſome ſhew in it, but examine Cauſes of leſs conſequence, and it is eaſily anſwered: The Juſtices of Peace in levying of Subſidies make rates for themſelves, the Commiſſioners of Sewers, tax their own Lands, and ſo if by Jurors it were done, it would be the like; there muſt be either new Aſſeſſors appointed, or they themſelves muſt do it, that would bring delays, and this requires haſt and expedition, and therefore fitteſt for this buſineſs. Authorities in Law there are divers herein, as the Writ for levying Expences for Knights of the Shire, Direction is to the Sheriff to do it, who aſſeſſes himſelf, and yet he is to execute it. So in a Writ of Diſcovery *de bonis Inhabitantium*, the Sheriff is chargeable with his part, yet to execute it; if a Fine be laid upon the whole County, he levies it, yet is chargeable with his part towards it. *Reſp.*

The Writ is directed *probis hominibus*, and theſe cannot be charged in an Inland County. *Obj.*

What difference there is *inter probos homines*, between Inland Counties and Maritine Counties I know not. The 24 of *Edward* the Third, a Writ whereby they were charged in caſe of Neceſſity, as to *Yarmouth*, it was *probis hominibus, &c.* true, a Grant by the King *probis hominibus* generally is void, 1 *Henr.* 7. *Dier. Philip. & Mar.* 7 *Eliz.* 4. 14. *Reſp.*

But a Commiſſion or Writ to Aſſeſs them good enough *probi homines*, that they know not nor ſee not, it is not material for that would make them ſole Judge of the danger, when as the King onely is, and this is not traverſable neither.

The Writ commands Inland Counties to find a Ship and Mariners which is impoſſible, and *Lex non cogit ad impoſſibilia*, and for this my Brother *Crook* put the Common Caſes that general return 49 *Edw.* 3. 6. and Impoſſibilities are void, but a Covenant for impoſſible things is void, but a Bond may be good. *Obj.*

I anſwer now to the point of Impoſſibility, and poſſibly the Ship may be *Reſp.*

be built in an Inland County, though to carry it to *Portſmouth* is impoſſible, but it is poſſible to provide a Ship and Mariners, as the Writ commands, which may very well be done with Money.

Obj. But we have none but trained Souldiers, no Mariners, our County conſiſts in Tillage, and our Men are brought up to the Plough and Husbandry.

Reſp. I anſwer, We have the like occaſion of Ploughs and Husbandry in *Kent*, and we have many places no Maritine Towns, ſome lie 20 miles from the Sea, and yet we are juſtly charged to find a Ship; Preſidents we have as well as you in *Oxfordſhire* and *Buckinghamſhire*, or elſe none ſhould be charged but Port Towns, and in particular no Law or Statute to exempt them; until *Alfreds* time there was no diſtinction of Maritine or Inland Counties, for then all *England* was but one Maritine County.

Obj. The payment of Souldiers Wages for 26 Weeks to be in the Kings Service, is againſt many Preſidents, as 16 *Edw.* 2. 10 *Edw.* 3. and intirely for Wages to be paid by the County, is againſt all the Preſidents, and Tenants by Knights Service after 40 days, are to be paid by the King: and other Preſidents my Brother *Crook* cited, when divers refuſed to go out of their own County till paid, and order taken for their Pay by the King. And whereas the Counties had given Bond for payment of Souldiers Wages, they were cancelled, and Order made in Parliament that Souldiers ſhould be at the Kings pay; 2 *Edw.* 3. 16, 18 *Edw.* 3. *cap.* 7. &c.

Reſp. Theſe are eaſily anſwered, for theſe Preſidents prove no more than payment of Wages *de facto*, and ſo the King may pay it where it is not due; and for their refuſal, I have nothing to do with that now: but 10 *Ed.* 3. m. 2. there is mention made of *Berkſhire* Men commanded to carry their Souldiers out of their own County at their own coſts, and when the Souldiers refuſed to go thence, no charge or payment; for Souldiers uſed to be paid by their County as in that caſe, and they were forced to go, and did go, and did ſtay there three years; ſo 13 *Ed.* 3. m. 8.

Obj. 1 *Edw.* 3. m. 14. none compelled to go out of their County without Wages paid, 18 *Edw.* 3. m. 6, 7. That none ſhould go out of the Inland Counties, and not onely thoſe that had Offices and Patents to ſerve the King, but all with this *Proviſo*, that the King ſhould pay them their Wages.

Reſp. 1 *Edw.* 3. It is clear, and hath the Exception in caſe of neceſſity, and to be done as in times paſt.

18 *Edw.* 3. It is expreſſed in the Act, when they go to the Kings Wars out of the Kingdom, 18, 19 *Henr.* 7. &c. Theſe are all but declarative to the Common Law, *Corbets* Caſe, the Reaſon is becauſe Legeance of the Subject is not natural but local.

But that the King ſhall give Wages within this Kingdom, there is no Act of Parliament for it now; it was reſolved in the Exchequer, that the Sea and Land made but one entire Kingdom, and ſo no going out of the Kingdom here, and conſequently the payment of the Souldiers Wages within the Kingdom is not againſt Law.

Object. The laſt Objection is, that the Writ is illegal, becauſe contrary to *Magna Charta*; *nullus liber homo impriſonetur.*

Reſp. As touching the Objection of the Nobility, that they are priviledged from impriſonment, it might well have been ſpared, and I know not wherefore it was ſpoken, unleſs to make them think they were more intereſſed than the reſt of his Majeſties Subjects in this caſe.

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But yet I ſay, Noblemen may be impriſoned upon contempt, as my Brother *Crook* knows well, and it was reſolved in the Earl of *Lincolns* Caſe in the Star-Chamber.

It is true, that upon ordinary Proceſs they are not to be brought to Trial, or Impriſoned.

Now I anſwer, There is no Impriſonment in Queſtion, but the Aſſeſment onely why he ſhould not pay the Money aſſeſſed, or to ſhew cauſe to the contrary.

Secondly, Were the Form illegal, for Form and Circumſtance, yet this makes not the Command it ſelf illegal for Subſtance.

Exceptions to the *Certiorar'* are theſe; Firſt, The direction of it to two Sheriffs out of their Office, when as the Sheriff in being, ought only to return it. *Certior. Object.*

Of this there is little doubt, nothing more frequent for the *Certiorar'* to iſſue out of the Chancery to two Parties, as to the Executors or the Judge that took the Fine and is removed, and ſo upon Commiſſion to take a Fine by *Dedimus poteſtatem*, in this Caſe the Writ is *inter brevia retornabilia*, and this muſt remain with the old Sheriff, and are never delivered over by the Jury to the new Sheriff. In *Hubbarts* Caſe in the Kings Bench, being convict of Hereſie before Sir *Julius Cæſar* Judge of the Admiralty certificate to him, after Maſter of the Rolls, and directed to him; ſo in caſe of my Lord *Paget*. *Reſp.*

The Writ is without Return (ſaith my Lord Chief Baron) and the *Certiorar'* which is a year and a half after, cannot renew it. *Obj.*

That ſhall not be the determining of it, onely for the time limited expiring, ſhall not deprive one of his juſt debt. *Reſp.*

It is not ſufficient, becauſe it appears not that Mr. *Hampden* was Tenant or Tertenant, or that *Stoke Mandevil* was within the County of *Buckingham*.

Secondly, It appeareth not that there was any Munition or Ship appearing. *Obj.*

I anſwer, It doth ſufficiently appear that Mr. *Hampden* was Tertenant, for that the *Certiorar'* is to the Sheriff, who certifieth that he was Tenant, for it is in purſuance of the Writ; the words are, *Virtute brevis Domini Regis huic Schedul' annex' certifico quod Virtute & ſecundum epigentiam, &c. Aſſeſſani Anglicè* have aſſeſſed *ſuper ſeperales homines & terræ tenentes Comitat' Bucks. prædict. quorum nomina ſubſcribuntur, &c.* it relates to the place there, Tenants in the County of *Bucks.* and makes Mr. *Hampden* one, and this in buſineſs of Knighthood was done and in no other manner. *Reſp.*

Secondly, it appears not that the Ship was prepared. *Obj.*

To this I anſwer, Firſt, that the Ship was done according to the Command of the Writ. *Reſp.*

Secondly, It was prepared.

Thirdly, If none had been prepared, the fault was for that they paid not their money.

For the Exceptions to the *Mittimus*, I ſay nothing, becauſe I told you the Caſe reſts not upon theſe words, *ut ſalus regni periclitabitur*, and which is onely but to bring it to iſſue.

Exceptions to the *Scire fac'*; as, Firſt, that the King is not entituled to bring the *Scire fac'*: ſo there is no *cui oneretur*, to whom he ſhould pay the money, for whoſe good or benefit Mr. *Hampden* ſhould ſatisfie the money aſſeſſed. *Scir. Fac. Object.*

Reſp. I anſwer, The King is intereſſed in all actions of publick good, and ſhall recover accordingly, as in Caſes of High-way, Pontage, Murage, &c. much more when it is for the general defence of the Realm; firſt, in *quare impedit*, between two Common Perſons, though the King be neither Plaintiff nor Defendant, yet the King ſhall recover therein. Many times in Caſe of a Common Informer, the King recovers the one Moiety, though not Party. So it was in the Caſe of Knighthood, though no Suite was depending. Again, all Writs in the Kingdom are the Kings Writs: though no Fine, much more here for the defence of the Realm; and it is uſual for the Kings Attorney to compel men to perform charitable uſes, and the King may queſtion any one for them in the Caſe of *Aurum Reginæ*, by Proceſs out of the Exchequer. Again, Where it is ſaid *Quare ipſe de prædicta ſumma ſuper ipſum Aſſeſſ. & non ſolut' in Schedula præd' Spec' onerari, & inde ſatisfac' debeat prout ulterius ſibi præceptum, &c.* For though the Writ be in the Kings name, yet it is but for the performance of the work and charge; and though it appears not who were Collectors or Aſſeſſors, yet it appears it was done.

Upon publick Service Proceſs goes forth in the Kings name, but it is not then ſo fit it ſhould be expreſſed in particular for the King, when as it is for the general good onely. Was not the Record made by my Brother *Denham*, though none more conſtantly or cheerfully did ſubſcribe to his Majeſties Letter; neither was the *Scire fac'* without his advice, being the apteſt courſe, and better than Treſpaſs.

Obj. But the objection that he made was, That the King cannot do any wrong, nor take without Record; as in Seiſure upon Outlawry, Attainder, or the like: and in this Caſe there is no Record upon the Writ 4. *Aug.* no Judgment, &c.

Reſp. I anſwer, This *Scire fac'* is not annexed to the Writ, &c. as a new Action that Mr. *Hampden*, *Oneretur & inde ſatisfaciet*, and after that Judgment upon the Writ, and upon his ſaying nothing why *revocetur*, there ſhall be a good Record upon which he ſhall be charged, 3 Q. *Eliz.* L. *Dier*, 156. *Ignoramus* is ſufficient title for the King, and ground for a *melius inquirend'*.

Obj. No *Scire fac'* lies upon the tenor of a Writ 39 *Henr.* 6. *fol.* 34. 21 *Eliz.* L. *Dier*, *fol.* 205.

Reſp. I anſwer, a *Scire fac'* upon a Recognizance will lie in Chancery, but upon the Record there, yet in a Debt, often an Action of Debt lies upon the tenor of a Record, 39 *Henr.* 6. the doubt was becauſe the Party might be ſubject to a double Execution, elſe one upon the Record there, and another upon the tenor of the Record in another Court 33 *Edw.* 3. title tenure by tranſcript 8 *Henr.* 5. *F. H.* Error' *Scire facias* Regiſter *fol.* 51. Record was before the Juſtices of the Kings Bench, the tenure was out of the Treaſury to the Barons of the Exchequer, and it is the uſual Order, if Recognizance be forfeited, to certifie the tenor of the Recognizance; ſo of a Fine of Amerciament, &c. to certifie the Tranſcript: ſo the Tranſcript was ſent from *Ireland* upon an Act of Parliament, a *Scire fac'* thereupon went againſt *Hebron Baron* in *England*; ſo in Debt upon the Tranſcript of a Record from *Ireland* a *Scire fac'* here went forth.

Obj. Objected it was in the laſt place by my Lord Chief Baron, that Judgment in this Caſe would be fruitleſs, and none ſhould take benefit by it upon this Record, and he puts divers Caſes wherein Judgment in ſuch Caſe ought not to paſs.

Reſp. I anſwer, My Lord Chief Baron, with a Judgment of his own Caſe of

of Knighthood, reſolved here in this Court; the Caſe was this, The King by Writ 5 *Januarii*, in the firſt of the Kings Majeſties Reign, commanded the Sheriff of *Barkſhire*, that all that had 40*l.* a Year, ſhould be in the Chancery 31 *Januarii* following, to take upon them the Order of Knighthood, Sir *Jo. Darrel* Sheriff of *Barkſhire*, made his return (as the Sheriff of *Buckingham* here) all that are not Knights under the name of *Illorum*, and ſets down their names; *Mittimus* thereupon went out of the Chancery, reciting the ſubſtance of the former Writ, *Vobis mittimus præſentibus, &c.* with a Clauſe to enquire after ſuch as were not returned, and to Fine them; and upon this Writ of *Diſtringas* to the Sheriff, my Lord Chief Baron and my Brother *Denham* know what Judgment was given; wherein I obſerve,

1. Not the Record but the Tenor of the Record was ſent into the Exchequer, yet returnable in the Chancery.
2. For returning the names of the Defaulters, done there as here.
3. Upon the *Diſtringas* thereupon, was had Execution, much more then here upon the *Scire fac.*
4. There was no more Judgment of Record to warrant it than here in this.

Now I come to conclude, I have been ſomewhat too bold in taking more time than is uſual, but I did it to ſatisfie my own heart, according to which I muſt give my Judgment. What I have omitted, I refer to the reſt of my Brothers that went before me, and to my Lord Chief Juſtice that comes after me. The Reaſons I ſhewed you whereupon I conceive by the Common Law and Fundamental Policies of this Kingdom, that the King, may charge his Subjects for the defence of this Kingdom; and that the King may charge his Subjects to contribute towards the defence thereof when it is in danger; and I hold that the King is ſole Judge of the danger, and ought to direct the means of defence: and therefore this Writ of *Scire fac.* and all the Proceedings in this Caſe are well grounded according to Law. My Opinion therefore is, that Mr. *Hampden* ſhall be charged with the 20*s.* aſſeſſed; and that my Lord Chief Baron ought to give Judgment accordingly.

Edward Hide *Esq*; *afterwards Lord Chancellor of* England, *his Speech in Parliament at the carrying up to the Lords the Opinion of the House of Commons in the Case of Ship-money.*

My Lords,

THere cannot be a greater Instance of a sick and languishing Commonwealth, than the business of this day. Good God! how have the Guilty these late years been punished, when the Judges themselves have been such Delinquents. 'Tis no marvel that an irregular, extravagant Arbitrary Power, like a Torrent, hath broke in upon us, when our Banks, and our Bulwarks, the Laws, were in the Custody of such Persons. Men who had lost their Innocence could not preserve their Courage, nor could we look that they who had so visibly undone us, themselves should have the virtue or credit to rescue us from the Oppression of other Men. It was said by one who always spoke excellently, That the twelve Judges were like the twelve Lions under the Throne of *Solomon*, *Under the Throne in Obedience, but yet Lions:* Your Lordships shall this day hear of six who (be they what they will be else) were no Lions, who upon vulgar fears delivered up the pretious Forts they were trusted with, almost without assault; and in a tame easie Trance of Flattery and Servitude, lost and forfeited (shamefully forfeited) that Reputation, Awe, and Reverence, which the Wisdom, Courage, and Gravity of their Venerable Predecessors had contracted and fastned to the places they now hold, and even rendred that Study and Profession, which in all Ages hath been, and I hope now shall be of an Honourable Estimation, so contemptible and vile, that had not this blessed day come, all men would have had that quarrel to the Law it self, which *Marcius* had to the *Greek* Tongue, who thought it a Mockery to learn that Language, the Masters whereof lived in Bondage under others. And I appeal to these Unhappy Gentlemen themselves, with what a strange Negligence, Scorn, and Indignation, the faces of all men, even of the meanest, have been directed towards them, since (to call it no worse) that fatal Declension of their Understandings in those Judgments of which they stand here charged before your Lordships.

But (My Lords) the Work of this Day, is the greatest Instance of a Growing, and Thriving Commonwealth too, and is as the Drawing of a fair and lasting Day of Happiness to this Kingdom.

It is in your Lordships Power (and I am sure it is in your Lordships will) to restore the dejected broken People of this Island to their former Joy and Security, the Successors of these Men to their own Priviledge and Veneration: *Et sepultas prope leges revocare.*

So these Judges enter themselves and harden their Hearts by more particular Trespasses upon the Law: by Impositions and Taxes upon the Merchants in Trade: by Burdens and Pressures upon the Gentry in Knighthood before they could arrive at that universal Destruction of the Kingdom by *Shipmoney*, which promised reward and security for all their former Services, by doing the Work of a Parliam. to his Maj. in Supplies, and

and ſeemed to delude Juſtice, in leaving none to judge them, by making the whole Kingdom party to their oppreſſion.

My Lords, the Commons aſſembled in Parliament hope that your Lordſhips will call theſe Judges ſpeedily before you to anſwer theſe Articles laid to their charge, that the Nation may be ſatisfied in your Lordſhips Juſtice upon them, as their Crimes demerit.

A Letter of the Tenor following was written to the Lord Major and Sheriffs of the City of London.

AFter, *&c.* Whereas his Majeſty hath ſent you his *Writ to provide two Ships* 560 *Tuns* apiece, beſide Tonnage, to be furniſhed with Men, Tackle, Munition, Victual, and other neceſſaries, to ſet forth for the ſafeguard of the Seas, and defence of the Realm, at the charges of the City of *London* and the Liberty thereof. And by the ſaid Writ hath commanded that you ſhall without delay make an Aſſeſsment, and after proceed on in the further execution of that Service, as by the ſaid Writ appeareth. We are by his Majeſties Direction and expreſs Commandment to let you know, that he hath upon important and weighty Reaſons, concerning not onely his Majeſties own Honour, and the ancient Renown of this Nation, but the ſafety of your ſelves, and all his Subjects, in theſe troubleſom and Warlike times, ſent out the aforeſaid Writ to you, and the like unto all other Counties, Cities, and Towns throughout the whole Kingdom, that as all are concerned in the mutual defence one of another, ſo all might put to their helping hand for the making of ſuch preparations as (by the bleſſing of God) may ſecure this Realm againſt thoſe Dangers and Extremities which have diſtreſſed other Nations, and are the common Effects of War, whenſoever it taketh a People unprepared. And therefore as his Majeſty doubteth not of the readineſs of all his Subjects, to contribute thereunto with chearfulneſs and alacrity, (wherein the City of *London*, as being the moſt eminent place, ought to give example to all the reſt) ſo he doth eſpecially require your care and diligence in the ordering of this buſineſs ſo much concerning his Majeſty and all his People, that no inequality or other miſcarriage may either retard or diſgrace the Service, which in it ſelf is ſo juſt, honourable, and neceſſary. For which cauſe we have, by his Majeſties directions ſent you, together with the ſaid Writ, theſe enſuing Advices and Inſtructions, for your better proceedings.

I. *Therefore, becauſe perhaps you are not throughly acquainted with the Charge of ſuch Maritime Preparations, and the miſtaking thereof might hinder the Service.: We have thought good to let you know, that upon a due and juſt calculation, we find that the charge of two Ships of that burthen ſo manned and furniſhed, will be* 14000 l. *which you are to levy according to his Majeſties deſire, and the intention of this Board, with as much equality and indifferency as poſſibly you may, uſing the Power given you by the ſaid Writ, with ſuch moderation as may occaſion the greater readineſs in all to contribute, and may give no cauſe to any to grudge or repine for any partiality or inequality in the Aſſeſsments.*

II. *When*

II. *When you have ſetled the General Aſſeſsment, we think fit that you ſhould ſubdivide the ſame, and make the particular Aſſeſsments in ſuch ſort as other common payments upon that City and the Liberties thereof are moſt uſually ſubdivided and aſſeſſed.*

III. *And to the end this may be effected with more equality and expedition, you may give direction to the Aldermen in their ſeveral Wards, and their Deputies, and ſend forth your Warrants to the Conſtables of the ſeveral Precincts, requiring them to call unto them ſome of the moſt diſcreet and ſufficient men of every Precinct, to conſider with them how the Sum charged upon each Precinct may be diſtributed and divided with moſt equality and indifferency, and to return the ſame to you in Writing under their Hands, with all poſſible expedition. Which being done, you are to ſign the Aſſeſsment ſet on the ſeveral perſons of every particular Pariſh, if you approve thereof. And if for inequality you find cauſe to alter the ſame in any part, yet after it is ſo altered, you are to ſign the ſame, and keeping a true Copy thereof, you may thereupon give order for the ſpeedy Collecting and Levying of ſuch Sums accordingly, by ſuch as are uſually imploied for Collections of other common Charges and Payments. And when any ſhall be by them returned to you, either to have refuſed or neglected to make payment, you are without delay to execute the Writ upon them, cauſing Diſtreſſes to be taken of them, and to be ſold for payment of their Aſſeſsments and the juſt Charges thereupon ariſing, and the Overplus of the Diſtreſſes to be rendered back. In the ſaid ſeveral Aſſeſsments of each Pariſh, you are to cauſe to be particularly expreſſed how much every Clergy man is rated, &c. As in the Fourth Inſtruction of the Letter entered at large.*

IV. *As in the Fifth Inſtruction of the Letter aforeſaid.*

V. *If any Conſtables or other Officers refuſe or neglect to do their Duties, &c. as in the Sixth Inſtruction of the ſaid Letter at large.*

VI. *If you find or underſtand of any perſons that are refractory, or that do unneceſſarily delay the payment of what ſhall be aſſeſſed upon them for the ſaid Service, whereof you muſt frequently and often call for an Accompt from the Conſtables, Officers, and others intruſted under you, you are preſently without any delay, partiality, or reſpect of perſons, to proceed roundly with them (of what Quality or Condition ſoever they are) according to his Majeſties Writ, and not to defer medling with them to the laſt, or until others have paid, as was done by ſome Sheriffs of Counties in former Years, whereby all the trouble and burthen was caſt upon the end of the Year: and thoſe that were refractory gained time above thoſe that were well-affected to the ſaid Service.*

VII. *Laſtly, and for all other matters not particularly mentioned in theſe Inſtructions, you muſt upon all occurrences govern your ſelves according to the Writ to you directed, and as may beſt accompliſh the Service committed to your truſt, wherein you are to uſe all poſſible diligence to effect the ſame with ſpeed, that the money for this Service may be timely collected and paid, as that proviſions may be ſeaſonably bought and provided, to furniſh and ſet forth the Fleet at the day expreſſed in his Majeſties Writ. And as you ſhall herein perform your duties with diligence, you may be aſſured to recover both favour and thanks from his Majeſty. And ſo we bid, &c.*

Dated and ſigned *ut ante.*

Allo

Alſo a Letter to the ſame effect ſent with his Majeſties Writs to the Sheriffs of the ſeveral Counties of *England* and *Wales*.

The Subſtance of the Lord Falklands *Speech in Parliament, concerning* Ship-money.

Mr. SPEAKER,

THe Conſtitution of this Common-wealth hath eſtabliſhed, or rather endeavoured to eſtabliſh to us *the Security of our Goods*, and the *Security of thoſe Laws* which would ſecure us and our Goods, by appointing for us *Judges*, ſo ſetled, ſo ſworn, that there can be no oppreſſion, but they of neceſſity muſt be acceſſary; ſince if they neither deny nor delay us Juſtice, which neither for the great nor little Seal, they ought to do; the greateſt Perſon in this Kingdom cannot continue the leaſt violence upon the meaneſt. But this Security hath been almoſt our ruine; for it hath been turned, or rather turned it ſelf into a Battery againſt us: and thoſe perſons who ſhould have been as Dogs to defend the Sheep, have been as Wolves to worry them.

Theſe Judges, to inſtance not them onely, but their greateſt crime, have delivered an Opinion, and Judgment in an extrajudicial manner, that is, ſuch as came not within their cognizance, they being Judges, and neither Philoſophers, nor Politicians. In which when that is ſo abſolute and evident; the Law of the Land ceaſes; and of general Reaſon and Equity, by which particular Laws at firſt were framed, returns to his Throne and Government, where *Salus Populi* becomes not onely *ſuprema*, but *ſola lex*; at which, and to which end, whatſoever ſhould diſpenſe with the King, to make uſe of any money, diſpenſes with us to make uſe of his, and one anothers. In this Judgment they contradicted both many and learned Acts and Declarations of Parliaments; and thoſe in this very Caſe, in this very Reign, ſo that for them they needed to have conſulted with no other Record, but with their Memories.

2. They have contradicted apparent Evidences, by ſuppoſing mighty and eminent dangers, in the moſt ſerene, quiet, and halcion days that could poſſibly be imagined, a few contemptible Pirats, being our moſt formidable Enemies, and there being neither Prince nor State, with whom we had not either Alliance, or Amity, or both.

3. They contradict the Writ it ſelf, by ſuppoſing that ſuppoſed danger to be ſo ſudden, that it would not ſtay for a Parliament, which required but forty days ſtay, and the Writ being in no ſuch haſt, but being content to ſtay ſeven times over.

It ſeemed generally ſtrange, that they ſaw not the Law which all men elſe ſaw, but themſelves. Yet though this begot the more general wonder, three other particulars begot the more general indignation.

When they had allowed to the King, the *Sole Power in Neceſſity*, the *Sole Judgment of Neceſſity*, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perſuade us, that they had left us our Liberties and our Properties.

And, which I confeſs moved moſt, that by the transformation of us from

from the ſtate of Free-Subjects (a good Phraſe, under Doctor *Heylins* favour) unto that of Villains, they diſable us by legal and voluntary Supplies to expreſs our affections to his Majeſty, and by that to cheriſh his to us, that is, by Parliaments.

The Cauſe of all the miſeries, we have ſuffered, and the Cauſe of all the Jealouſies we have had, that we ſhould yet ſuffer; is, That a moſt excellent Prince hath been moſt infinitely abuſed by his Judges, telling him that *By Policy he might do what he pleaſed.*

We muſt now be forced to think of aboliſhing of our grievances, and of taking away this Judgment and theſe *Judges* together, and of regulating their *Succeſſors* by *their exemplary puniſhment.*

Mr. St. Johns *Speech to the Lords in the Upper Houſe of Parliament*, January 7. 1640. *Concerning* Ship-Money.

My Lords,

THe Knights, Citizens, and Burgeſſes of the Commons Houſe, have intruſted me with a Meſſage to your Lordſhips, of a general and a very high Concernment; ſo general, that the whole Body of the Kingdom, both Peers and People, are intereſſed in it; of ſo high a conſequence, as that there is nothing that can concern us nearer.

It is one of the *Grandia Regni*, ſo great, as that I ſhall not need to preſent it to your Lordſhips in a Multiplying-Glaſs, it will appear too big in its own dimenſions.

2. It is not that Shipmoney hath been levied upon us, but it is that Right whereby Shipmoney is claimed; which if it be true, is ſuch as that it makes the payment of Shipmoney the gift and earneſt penny of all we have.

It is not that our perſons have been impriſoned for payment of Shipmoney, but that our perſons and (as it is conceived) our lives too, are upon the ſame ground of Law, delivered up to bare Will and Pleaſure.

It is that our Birth-right, our Anceſtral-right, our condition of continuing Free-Subjects is loſt; that of late there hath been an endeavour to reduce us to the ſtate of Villainage, nay to a lower.

It is true, the Lord might tax his Villain *De haute & de baſſe*, might take all his Lands and Goods, the Villain had no Property againſt the Lord, the Villain he could not *Ire quo voluit*, he had no liberty of perſon, the Lord might impriſon him at his pleaſure; but the Villains Life was his own, and not his Lords, the Law ſecured him that. But, My Lords, as the Law ſtands now declared, it is diſputable, whether it doth ſo much for us.

My Lords, The ſubject of this Meſſage is, to preſent the ſenſe of the Commons to your Lordſhips; That the Laws of the Realm inſtituted at firſt, and freely aſſented unto, and choſen by their Anceſtors for the preſervation of themſelves and Us their Deſcendants, in our Perſons, Lives, and Eſtates, have been of late intruſted unto ſuch hands, as have endea-

voured

voured to force upon them a contrary end to that for which they were ordained, from Defenſive to turn them to Offenſive; and in ſtead of Protecting us, to make the Laws the Inſtrument of taking from us all we have. Thoſe carriages which have produced this Senſe of the Commons, I am commanded at this preſent to declare to your Lordſhips.

They are certain Extrajudicial Opinions delivered by the Judges at ſeveral times, the one in *November* 1635. the other a year after in *February* 1636.

The Shipwrits that have iſſued to all the Counties of *England*, for theſe many years laſt paſt without intermiſſion: The principal thing in theſe Writs which I am to preſent to your Lordſhips, is not the Charge and Burthen which hath been thereby impoſed upon the Subjects, though that be great, but the declarations in them of the Law, and of the Right whereby this burthen may be impoſed.

The laſt is, that Judgment in Maſter *Hampdens* Caſe in the Exchequer upon theſe Shipwrits.

My Lords, The two laſt, that is, the Shipwrit, and the Judgment, becauſe they are very long, I am onely to open them without reading, and to deliver them to your Lordſhips; the other two I am to read them, and then to deliver them to your Lordſhips.

Ship-money.

The firſt Opinion in *November* 1635. was read, as followeth.

I Am of opinion, that as where the benefit doth more particularly redound to the good of the Ports or Maritine parts, as in caſe of Piracy or Depredations upon the Seas, there the charge hath been, and may be lawfully impoſed upon them according to preſidents of former times; ſo where the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, (of which his Majeſty is the onely Judge) there the charge of the Defence ought to be born by all the Realm in general. This I hold agreeable both to Law and Reaſon.

My Lords, theſe opinions were delivered by the Judges ſeverally and apart, they were procured by the ſolicitation of my L. Finch; *The Judges, as he ſeverally procured their hands, were by him enjoined Secreſie accordingly; theſe Opinions walked in the dark for a Year and upwards: afterwards the procurer of them, my Lord* Finch, *liked them ſo well, as that he preſumed to deliver them to his Majeſty. By his procurement a Letter was directed from his Majeſty to the Judges for the delivery of their opinions in theſe, and ſome other additionals. The former that hath been read is more modeſt, it is onely that his Majeſty is the ſole Judge of the danger, and that the Iſland as well as the Maritine Towns are chargeable to the defence of the Kingdom.*

It is not declared in theſe, that this charge may be impoſed by his Majeſty alone, for the expreſſion is onely, that the charge may lawfully be impoſed, ſay not by whom.

In the other Opinions they proceed *à malo ad pejus*, and ſpeak plain Engliſh, which follow *in hæc verba.*

The CASE.

CHARLES REX,

WHen the Good, and the Caſe and Safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King by Writ under the Great Seal of England, *Command all the Subjects in this Kingdom at their charge, to provide and furniſh ſuch number of Ships with Men, Victuals, and Munition, and for ſuch time as he ſhall think fit, for the defence and ſafeguard of the Kingdom from ſuch danger and peril, and by Law compel the doing thereof, in caſe of refuſal or refractorineſs; and whether in ſuch caſe, is not the King the ſole Judge both of the danger, and when, and how the ſame is to be prevented and avoided?*

C. R.

Judges Anſwer.

MAy it pleaſe your moſt excellent Majeſty, we have according to your Majeſties Command, ſeverally, and every man by himſelf, and all of us together, taken into ſerious conſideration the Caſe and Queſtions ſigned by your Majeſty, and encloſed in your Royal Letter; and we are of opinion, that when the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom is in danger, your Majeſty may by Writ under the Great Seal of *England*, command all the Subjects of this your Kingdom, at their charge to provide and furniſh ſuch number of Ships, with Men, Victual, and Munition, and for ſuch time as your Majeſty ſhall think fit, for the Defence and Safeguard of the Kingdom, from ſuch danger and peril: And that by Law your Majeſty may compel the doing thereof, in caſe of refuſal or refractorineſs; And we are alſo of opinion, that in ſuch caſe your Majeſty is the ſole Judge both of the danger, and when, and how the ſame is to be prevented and avoided.

Theſe Opinions were ſubſcribed by all the Judges in Serjeants-Inn-Hall; they were afterwards publiſhed in the Star-Chamber, that the Subjects might take notice of them; and that they might never be forgotten, they are enrolled in all the Courts of *Weſtminſter-Hall*, in *perpetuam Rei memoriam:* Your Lordſhips will be pleaſed to give me leave to repeat them in their plain and legal ſenſe; which I conceive to be thus:

That his Majeſty, as often as himſelf pleaſeth, may declare that the Kingdom is in danger; That ſo often, for prevention of ſuch danger, his Majeſty by his Writ under the Great Seal of *England*, may alter the property of the Subjects Goods, without their Conſent in Parliament, and that in ſuch proportions as his Majeſty ſhall think fit; and beſides the altering of the Property of their Goods, for the prevention of ſuch danger, may deprive them of the liberty of their Perſons, and of their Lives, and that in ſuch manner as himſelf ſhall pleaſe.

1. The

1. The firſt of theſe (*viz.*) that his Majeſty may declare the danger, as often as he pleaſeth, is made good in theſe words, *That the King is the ſole Judge of the danger, and when the ſame is to be prevented and avoided.*

2. The ſecond, That ſo often he may alter the property of the Subjects Goods, without conſent in Parliament, in theſe words; *That his Majeſty may, by Writ under the Seal of* England, *command and compel all the Subjects of the Realm, at their charge, to provide and furniſh Ships.*

3. That this may be in what proportion his Majeſty ſhall pleaſe, in theſe words; *That his Majeſty may command them to provide and furniſh ſuch number of Ships, with Men, Victuals, and Munition, and for ſuch time as his Majeſty ſhall think fit.*

4. The laſt (*viz.*) that which concerns our Perſons, in theſe two Clauſes.

1. *That his Majeſty, in caſe of refractorineſs, may compel the doing of it*; This compulſion in caſe of refractorineſs, includes the Perſon, as well as the Eſtate: Nay, it ſounds more in the Perſonality than otherwiſe. For the other, *viz.* Whether this Perſonal Compulſion may extend ſo far as to Life, I humbly leave it to your Lordſhips condſiderations, upon the other Clauſe; that is, *That his Majeſty is the ſole Judge of ſuch danger, and when, and how the ſame is to be prevented:* whether the words, *how it is to be prevented*, in this caſe of Perſonal Compulſion, doth not leave the manner of it wholly in his Majeſties breſt.

My Lords, If theſe Opinions extend onely to Ship-money, it is enough; his Majeſty takes what he will, and when he will; if all be taken to day, and afterwards by diſſent or my own labour, I get a new Stock or livelyhood, that is no more mine than the former; ſo that there is no Property left unto the Subject, though the opinions go no further. But, my Lords, Ship-money is not the whole extent of them, Ship-money, by theſe opinions, is not due by any peculiarity in Ship-money: but Ship-money is therefore due, becauſe his Majeſty is the ſole Judge of the danger of the Kingdom, and when, and how the ſame is to be prevented, becauſe his Majeſty for the defence of the Kingdom, may at his will and pleaſure charge the People; this is the ground: and upon the ſame reaſon the Compulſion may be as well for the making and maintaining of Caſtles, Forts, and Bulwarks, making of Bridges, for tranſporting his Armies, for proviſion of Wages and Victuals, for Souldiers, for Horſes and Carriages, it may be multiplied in *infinitum.*

It may be done when the good and ſafety of the Kingdom is concerned, this extends to all things, and at all times, *Qui jacet in terra, non habet unde cadat.*

If theſe opinions be Law, I humbly leave it to your Lordſhips conſiderations, whether the Government be not *Imperium legibus ſolutum.* The next thing I ſhall offer to your Lordſhips, is the Ship-writs; a Tranſcript of one of them directed to the Sheriff of *Dorſetſhire*, I ſhall deliver; all the reſt being of the ſame Form. Becauſe that Writ is long, I ſhall open it briefly; it is to this effect.

There is a Declaration in it, that *Salus Regni periclitabatur*, that the ſafety of the Kingdom was in danger.

Therefore the Inhabitants of the ſeveral Counties are commanded for the Defence of the Kingdom, for the Cuſtody of the Seas, for

the Safeguard of the Merchants from Piracy, inward and outward, that they ſhould provide a Ship of War, furniſhed with Guns, Gun-Powder, double Tackle, and all other neceſſaries; and this Ship thus furniſhed at a day ſet, to be brought to *Portſmouth*, to be provided for 26 Weeks of Mariners Wages, Victuals and other neceſſaries, and for the doing of this, Authority is given to the Sheriffs of the ſeveral Counties, to aſſeſs every of the Inhabitants *ſecundum ſtatum & facultates ſuas*, according to their Eſtates and Means; and further power given him by Diſtraining and ſelling of the Diſtreſs to levy theſe Moneys, *Si contrarios invenerit*, then to impriſon their Perſons. And further declares, That all this may be done, *ſecundum Legem & conſuetudinem Regni*. The ſenſe I conceive is briefly thus: That by the Laws of the Kingdom, when his Majeſty ſhall declare that the Kingdom is in danger, he may alter the Property of the Subjects Goods, and impriſon their Perſons; nay, that not onely his Majeſty, but the Sheriffs may impriſon their Perſons. By the Law the Lord might impriſon his Villain, but could not transfer that Power to his Bailiff, or to any other, it was Perſonal. That the execution of this Power over the Perſons of the Subjects hath gone no further than their Impriſonment, whether therein we be not wholly beholden to his Majeſties Grace and Goodneſs, and nothing at all to the Opinions of the Judges, I leave it to your Lordſhips conſiderations.

The laſt thing is, the Judgment in the Exchequer, in the thirteenth year of his now Majeſties Reign, againſt Maſter *Hampden*, the Record is very long, I ſhall briefly open it to your Lordſhips, *Quarto Auguſti* 11 *Caroli*, there iſſued Ship-writs to the ſeveral Counties, amongſt the reſt to the County of *Bucks*. the Sheriff aſſeſſed the Inhabitants; ſome of them made default, and did not pay; upon a *Certiorari* out of the Chancery, directed to the Sheriff, he certifies the Perſons that made default, together with the Summons aſſeſſed upon them. From the Chancery by *Mittimus*, theſe Certificates were ſent into the Exchequer, to the intent Proceſs might iſſue againſt the defaulters. A *Scire Facias* iſſued to the Sheriff of *Bucks*. who thereupon amongſt other, returns, that Maſter *Hampden* hath been aſſeſſed Twenty ſhillings, for ſome Lands in *Stoke-Mandevil* in that County, which he had not paid, Maſter *Hampden* appeared, and upon his appearance demands *Oyer* of the Ship-writs, and the other Proceedings, after his hearing thereof and underſtanding the Contents, he demurs in Law, that is, demands the Judgment and Opinion of the Judges, whether this Writ was ſufficient in Law, and to force him to pay the ſaid Twenty ſhillings.

This being a great and general caſe, the Barons of the Exchequer deſired the aſſiſtance of the reſt of the Judges, who did join accordingly. The Caſe came to be argued, there were four Arguments, two on Maſter *Hampdens* ſide, and two on the other ſide, the firſt was in *Michaelmas* Term, after Alhallontide, and all the four Arguments were ſpeeded before Chriſtmas day, two of them in the Term, and no longer time would be procured for the reſt, but the ſhort Vacation between *Michaelmas* Term and *Chriſtmas*, it was a Caſe of ſo little concernment, that whereas in *Weſtminſter-Hall*, Term after Term is uſually given to argue any demurrer, this muſt be argued betwixt *Alhallontide* and *Chriſtmas*, throughout after the Arguments, the Council on both ſides were commanded to bring before the Judges the Records and Authorities cited, they were brought, and

and for the eaſe of the Judges, many of them on Mr. *Hampdens* part were abbreviated on the backſides, thoſe abbreviations were commanded to be expounded; afterwards the Caſe came to Argument at the Bench, there the Caſe was judged, and by the greater part of the Judges judgment was given againſt Mr. *Hampden*; when the Judges had delivered their Opinions, it was the Barons part to give judgment; the Judgment was, *Quod ſeparalia brevia prædict. & return. eorundem ac Schedulum prædict. eiſdem annex. ac materia in eiſdem content. ſuffecerit in lege exiſten. ad præfatum Ioannem Hampden de prædict. viginti ſolidis ſuper ipſum in forma & ex cauſa prædict. aſſeſſis onerand. Ideo conſideratum eſt per eoſdem Baron. quod prædictus Johannes Hampden de eiſdem viginti ſolidis oneratum exinde ſatisfaciat.*

My Lords, this Judgment is a full and plenary execution of the former Opinions of the Judges, and of the Ship-writs, for ſo much as it concerns our propriety; It was given in Mr. *Hampdens* Caſe only; but binds all the Subjects for ſo binding; it is as that an Honourable perſon, now in my eye, in a Caſe depending in the Kings Bench, was denied any argument or debate, concerning the right of Ship-money, for no other reaſon, but that it had been by the former Judgment adjudged already in the Chequer,

My Lords, theſe extra-judicial opinions of the Judges, theſe Ship-writs, and this Judgment, are thoſe carriages which have introduced this ſence of the Commons, that the fundamental Laws of the Realm concerning our property and our perſons are ſhaken.

My Lords, The Commons have taken the extrajudicial opinions publiſhed and inrolled, and the reſt ſeverally into conſideration, they have been read openly in the Houſe, and after long debate, and long rather in conſideration of the greatneſs of the matter, than of the difficulty of it, they came to vote, four ſeveral Votes paſſed upon them, the Votes paſſed without ſo much as one Negative voice to any of them.

The Votes were in ſubſtance, that they were againſt the Laws of the Realm, the Right of the Property, the Liberties of the Subject, contrary to the former reſolutions in Parliament, and to the Petition of Right.

The extrajudicial Opinions inrolled, they Voted in the whole, and every part of them to be contrary to all theſe, for they did conceive that in theſe Opinions, there was not any one Clauſe that was agreeable to the Law, but that throughout they were contrary to the Laws.

My Lords, The things which the Commons took into their conſideration, before they proceeded to their Votes, were the proceedings in the Parliament held 3 *Car.* when the Petition of Right was framed.

The Commons went no higher, the Reaſon inducing them thereto, was, becauſe in that Parliament all thoſe three had been debated, Propriety of Goods, Liberty of Perſons, and Security of our Lives.

Two of them, that is, Propriety of Goods, and Liberty of Perſons, by the occaſions of the Commiſſions for the Loan, and the Inſtructions wherewith theſe Commiſſions were accompanied, that concerning our lives, by occaſion of the Commiſſions that had iſſued, for the executing of Martial Law.

They conceive, that if any thing concerning theſe had paſſed *both Houſes* and his *Majeſty*, or the *judgment* of *both Houſes* without his *Majeſty*, it would be in vain to look further, that it would be *actum agere*; Nay, my Lords, they had a farther conſideration, that if thoſe were already

already ſetled in that *Parliament*, it would not only be derogatory to the *Juriſdiction* of *Parliament*, but dangerous to look higher as that they would infer a defect in thoſe Proceedings, and caſt an aſperſion upon that *Parliament*; I am commanded now to preſent to your *Lordſhips conſiderations*, thoſe things which ſatisfie the *Commons*, which are theſe three:

1. The Commiſſions for the *Loans*, with the Inſtructions.
2. A Commiſſion called the Commiſſion of *Exciſe*.
3. An *Addition* of *Saving*, which was deſired by your *Lordſhips* to have been added to the Petition of Right, at the time of the framing of it.

The Caſe upon the Commiſſion for the *Loan*, ſtandeth thus:

13. *Octob.* 2 *Caroli*, divers Commiſſions were directed to ſundry Commiſſioners, to the number of ſixty or ſeventy Lords and Gentlemen, in the ſeveral Counties iſſued, whereby a compulſary Aid by way of *Loan* was required of the Subject, ; the cauſes and grounds of this Demand are in the Commiſſions expreſſed to be theſe:

The King found the Crown ingaged in a War, by advice of *both Houſes* of *Parliament*; that not only the King and the Subject; but alſo his Allies beyond-Sea, were in danger.

The parts beyond-Sea where our Cloth is vented, and from whence we have moſt of our Proviſion for Shipping, were indangered; His Majeſties Treaſures were exhauſted, and his Coffers empty. A *Parliament* had been ſummoned, but no Supply.

Unavoidable neceſſity both at home and abroad, multiplied the enemies: Great and mighty preparations, both at Sea and Land, threatned the Kingdom daily.

Not only the Kings honour, but the ſafety and very ſubſiſtance of the *King* and *People*, and of the true *Religion* abroad, are in apparent danger of ſuffering irreparably, unleſs not only a ſpeedy, but alſo a preſent ſtop be made; which cannot admit ſo long delay as the calling of a *Parliament*: The *People* aſſured on the Royal Word of a *King*, that not one penny ſhould be beſtowed, but upon thoſe publick ſervices only, wherein every of them, and the whole body of the Kingdom, their Wives, Children, and Poſterity, have their perſonal and common Intereſts.

The Commiſſioners diligence commanded as they tendred the Kings honour, and ſafety of the *Realm*; Here *Salus Regni periclitabatur*, the whole Kingdom was in danger, as in the *Judges* Opinions, and as in the Shipwrits and judgment in the Exchequer. Nay, my Lords, further; the ſafety and very ſubſiſtance of the *King*, *People*, and true *Religion* were in danger of ſuffering irreparably, the dangerous inſtance, not a ſpeedy, but a preſent ſtop muſt be made, the ſupply could not ſtay for a *Parliament*; at this time his *Majeſties* Coffers were exhauſted, the King found the Crown engaged in this War, before the Acceſs of it to himſelf, and that by advice in *Parliament*; all this expreſſed, only lending of Monies for prevention required; but it was a compulſary thing, and became compulſary, by the inſtructions to bind over to the board, and impriſonment for refuſal. Theſe Commiſſions were in the *Parliament*, 3 *Car.* Firſt reſolved in the *Commons Houſe* to be againſt Law, afterwards by your Lordſhips, and conſented unto by his *Majeſty*, and are declared to be ſo in the Petition of Right, and the impriſonment of the Subjects

for

for refuſal, declared in the Petition of Right to be againſt Law.

My Lords,

The next is the Commiſſion called the Commiſſion of *Exciſe*, this was dated *vltimo Febr.* it was dated after the Summons to that Parliament: This Commiſſion iſſued to thirty three Lords, and others of his Majeſties Privy Council; the Commiſſioners are thereby commanded to raiſe Moneys by Impoſitions, or otherwiſe; as in their judgments they ſhall find to be moſt convenient.

The cauſes wherefore theſe Moneys are to be raiſed are expreſſed to be theſe:

The defence and ſafety of the King and People, which without extreameſt hazard of the King, Kingdom, and People, and of the Kings Friends and Allies beyond Seas, cannot admit no longer delay: inevitable neceſſity, wherein form and circumſtance muſt rather be diſpenced with-al, than the ſubſtance loſt.

The Commiſſioners not to fail therein, as they tendred his Majeſties Honour, and the ſafety of the Kingdom and People.

Here *Salus Regni periclitabatur*, the whole Kingdom declared to be in danger, in greater and nearer, than in the opinions of the Ship-writs or Judgments in the Chequer.

In the Parliament, 3 *Caroli*, this Commiſſion was adjudged by the *Commons* to be againſt the Laws of this Realm, and contrary to the Judgment given in the Petition of Right, and after a conference with your Lordſhips, deſired his Majeſty that it might be cancelled: The then Lord-Keeper ſhortly after brought it cancelled to your Lordſhips in the Houſe, and there ſaid it was cancelled in his Majeſties preſence: You ſent it cancelled to the *Commons* to be viewed, who afterwards ſent it back to your Lordſhips.

My Lords, The laſt is the addition of ſaving, deſired to be added to the Petition of Right, which was in theſe words:

We humbly preſent this Petition unto your Majeſty, not only with a care of preſerving our own Liberties, but with due regard to leave entire the Sovereign power, wherewith your Majeſty is truſted, for the Protection, Safety, and Happineſs of Your People: Your Lordſhips Deſire of this addition to the Petition of Right, was taken into conſideration by the Commons; and after debate, it was thought fit by them to be rejected. A Conference was had with your Lordſhips, and Mr. *Noy* appointed by the Commons to declare the reaſons of their reſolution. Your Lordſhips not receiving ſatisfaction at that Conference, whether this Addition ſhould he rejected or not: It was again debated in the Commons Houſe, they ventured upon the ſame bottom again; It was thereupon reſolved to be rejected, the reaſons of their rejections were theſe in Summe.

Firſt, They confeſs, that if theſe words were taken as a bare propoſition only, without any further reference to the Petition of Right; that it was a true propoſition.

That is, that the Law hath truſted the King with Sovereign power for the protection, ſafety, and happineſs of the People.

But if it ſhould be added to the Petition of Right, as was deſired; then was it not true, but would make the Petition of Right *felo de ſe*, and wholly deſtructive to it ſelf in all the parts of it; that it would proceed *à bene diviſis, ad mala conjuncta:* For then the Petition of Right, as they reſolved, would have this ſenſe. Whereas

Whereas in the Petition of Right, it is ſaid, that no Aid Tax, Tallage, or other Charge whatſoever, may be impoſed upon the People, without their free Conſent in Parliament; it would have this conſtruction. It is true, it cannot be done by the Kings ordinary power, but it may be done by that Sovereign power wherewith the Law hath entruſted his Majeſty for the protection, ſafety, and happineſs of the People.

So likewiſe for impriſonment, that they ought not to be impriſoned without due Proceſs of Law. It is true ordinarily, that the King may impriſon by his Sovereign power, wherewith the Law hath entruſted him for the protection, ſafety, and happineſs of the People.

So that, for that Martial Law, That the Subjects Lives ought not to be taken away, unleſs by due Proceſs of Laws: It is true ordinarily, but the King may do it by his Sovereign power, wherewith the Law hath intruſted him for the protection, ſafety, and happineſs of the People: Whereby they conceived that it would not only make the Petition of Right to be wholly deſtructive of it ſelf, but likewiſe this Petition of Right would leave the Subjects in a far worſe condition than it found them; for it would neceſſarily infer, that which is againſt the Law: *viz.* that the King by his Sovereign power, when he pleaſed to declare that it was for the Good of the People, might do all this.

Your Lordſhips at a Conference of both Houſes, engaged on the part of the Commons by Serjeant *Glanvile*, and Sir *Henry Martin*, received ſatisfaction from theſe reaſons; and conſented to the Leaving out of this Addition; and accordingly, the Petition of Right paſſed, and is printed without it.

My Lords, Theſe were the things I was commanded to preſent unto your Lordſhips: Other things there were, as the Sentence againſt Biſhop *Manwaring*; but theſe weighed ſo much with the Commons, as that they conceived they needed no more.

My Lords, Theſe Preſidents of that Parliament, and theſe Opinions of the Judges, the Ship-writs, and the Judgments in the Exchequer; they are like the two Buckets of a Well, if one go up, the other muſt go down: *Non bene conveniunt.*

My Lords, We have not cited theſe Preſidents out of diffidence that your Lordſhips had forgotten them; but becauſe others have; or that we diſtruſt your Lordſhips Juſtice, if you had forgot them: For before theſe were, your Lordſhips concurred in opinion with your worthy Anceſtors, that firſt gave them. Their Noble bloud runs in your veins. It is now to confirm your own Judgments as well as theirs: In your Lordſhips breaſts, there are the ſame Magazines and Fountains of Honour and Juſtice, as were then; theſe Judgments and proceedings were the Actions of both Houſes, the danger by the violation is equal.

The Commons ſee nothing in the Judges opinions or judgment, why they ſhould recede from their former judgments, they hope the ſame from your Lordſhips.

Beſides, *my Lords*, that the Caſe is now much varied from what it was then; not only in the matter, but as it concerns the Honour and Juriſdiction of this great Judicatory, the Parliament.

The breach of Priviledges in the members is tenderly reſented, becauſe that without this freedom, they cannot advice and conſult concerning the *Ardua Regni.*

But

But when they have done all, to have their Judgments and their Acts of Parliament overthrown by the Judges afterwards, this makes Parliaments to be nothing, this ſets up the Judges above the Parliament, this puts us out of hope of redreſs; if they may overthrow the Proceedings of that Parliament of 3 *Caroli*, they may by the ſame reaſon overthrow the Actions of this, and of all future Parliaments.

My Lords, This was not the practice of their Predeceſſors; though but in private cauſes, if difficulty of Law aroſe, they always conſulted this Oracle, and thence received their Anſwer how to give Judgment. Judgments in the *Higheſt Court of Weſtminſter Hall*, I mean, in the *Kings Bench*; where the proceedings are (*coram Rege*) are here reverſable by Writ of Error. In cauſes of great and general concernment, they ever adjourned them hither, as things too high for them.

Qui conſulta patrum, qui leges juraque ſervat, doth well; they have taken that in their hands they had not to do withal; and how they have handled the matter, your Lordſhips have heard.

The Judges, as is declared in the Parliament, they have here made themſelves the Executioners of them; they have endeavoured the deſtruction of the Fundamentals of our Laws and Liberties. *Holland* in the *Low-countries* lies under the Sea, the Superficies of the Land is lower than the Superficies of the Sea: It's Capital therefore for any man to cut the Banks, becauſe they defend the Country.

Roll of 11 *Rich.* 2. are the Executors of the Statutes and of the Judgments and Ordinances of Parliament, they have here made.

Beſides our own, even foreign Authors, as *Comenius* obſerves, that the Statute *de Tallagio*, and other old Laws, are the Sea-walls, and banks, which keep the Commons from the inundation of the Prerogative.

Theſe Pioneers, they have not only undermined theſe Banks, but they have levelled them even with the ground.

If one that was known to be *hoſtis Patriæ*, had done this, though the damage be the ſame, yet the guilt is leſs.

But the *Conſervatores Riparum*, the Overſeers intruſted with the defence of theſe banks, for them to deſtroy them, the breach of truſt aggravates, nay, alters the nature of the offence.

Breach of truſt, though in a private perſon, and in the leaſt things, is odious amongſt all men; much more in a publick perſon, and in things of great and publick concernment, becauſe great truſt binds the party truſted to greateſt care and fidelity.

It is Treaſon in the Conſtable of *Dover* Caſtle to deliver the Keys to the known Enemies of the Kingdom; becauſe that Caſtle is the Key of the Kingdom: Whereas if the Houſe-keeper of a private perſon deliver poſſeſſion to his Adverſary; it is a Crime ſcarce puniſhable by Law.

The Judges under his Majeſty, are the perſons truſted with the Laws; and in them, with the Lives, Liberties, and Eſtates of the whole Kingdow: This truſt of all we have, is primarily in his Majeſty; and from him delegated to his Judges.

His Majeſty, at his Coronation, is bound by his Oath to execute Juſtice to his People, according to the Laws; thereby to aſſure the People of the faithful performance of this great truſt. His Majeſty again, as he truſts the Judges with the performance of this part of the Oath: So doth he likewiſe exact another Oath of them for their due execution of Juſtice to the People, according to the Laws; hereby the Judges ſtand intruſted with this part of his Majeſties Oath.

If therefore the Judges ſhall do wittingly againſt Law, they do not only break their Oaths, and therein the common faith and truſt of the whole Kingdom, but do, as much as in them lies, ſmeer and blemiſh the Sacred Perſon of his Majeſty with the odious and hateful ſin of Perjury.

My Lords, The hainouſneſs of this offence is moſt legible in the ſevere puniſhments which former Ages have inflicted upon thoſe Judges, who have broken any part of their Oaths wittingly, though in things not ſo dangerous to the Subject, as in this Caſe in queſtion.

Sir *Thomas Wayland*, Chief-Juſtice of the *Common Pleas*, *Edw.* I. was attainted of Felony for taking Bribes, and his Lands and Goods forfeited; as appears in the Pleas of Parliament, 18 *Edw.* I. and he was baniſhed the Kingdom as unworthy to live in that State, againſt which he had ſo much offended.

Sir *William Thorpe*, Chief Juſtice of the *Kings Bench*, in *Edw.* III. time, having of five perſons received five ſeveral Bribes, which in all amounted to 100 pounds; was for this alone adjudged to be hanged, and all his Lands and Goods forfeited, the reaſon of this Judgment is entred in the Roll in theſe words:

Quia prædict. Willielmus Thorpe, qui Sacramentum Domini Regis erga Populum ſuum habuit ad cuſtodiendum, fregit malicioſe, falſe, & rebelliter quantum in ipſo fuit; becauſe that he, as much as in him lay, had broken the Kings Oath made unto the People, which the King had intruſted him withal.

There is this notable Declaration in that Judgment; that is, that this Judgment was not to be drawn into example, againſt any other Officers who ſhould break their Oaths, but only againſt thoſe *Qui prædictum ſacrum fecerunt, & fregerunt, & habent leges Angliæ ad cuſtodiendum*; that is, only to the Judges Oaths, who have the Laws intruſted to them.

This Judgment was given 24 *Edw.* III. the next year in the Parliament 25 *Edw.* III. it was debated in Parliament, whether this Judgment was legal; *& nullo contradicente*, it was declared to be juſt, and according to the Law: And that the ſame Judgment may be given in time to come upon the like occaſion. This caſe is in point, that it is death for any Judge wittingly to break his Oath, or any part of it.

This Oath of *Thorpe* is entred in the Roll, and is the ſame *verbatim* with the Judges Oath, in 18 *Edw.* III. and the ſame which the Judges now take.

Your Lordſhips will give me leave to obſerve the differences between that and the Caſe in queſtion.

Firſt, That of *Thorpe* was only a Selling of the Law by retail to thoſe five perſons, for he had only five ſeveral Bribes of thoſe five perſons; the paſſage of the Law to the reſt of the Subjects, for ought appears, was free and open.

But theſe Opinions are a conveyance of the Law by whole-ſale, and that not to, but from the Subject.

In that of *Thorpe*, as to thoſe five perſons, it was not an abſolute denial of Juſtice, it was not a damming up, but a ſtreightning only of the Channel.

For whereas the Judge ought *Judicium reddere*, that is, the Law being the Birth-right and Inheritance of the Subject, the Judge when the parties in ſuit demand judgment ſhould *redare*, freely reſtore this right unto them;

them; now he doth not *dare* but *vendere* with the hazard only of perverting Juſtice; for the party that buys the judgment may have a good and honeſt cauſe.

But theſe Opinions, beſides that they have coſt the Subjects very dear, dearer than any; nay, I think I may truly ſay, than all the unjuſt judgments that ever yet have been given.

Witneſs the many hundred thouſand pounds which under colour of them have been levied upon the Subject, amounting to ſeven hundred thouſand pounds and upwards in money paid unto the Treaſurer of the Navy; beſides what the Subjects have been forced to pay to Sheriffs, Bayliffs, and others, which altogether, as is conceived, amounts not to much leſs than a Million; Beſides the infinite vexation of the Subjects by Suits in Law, binding them over to attendance at the Council-board, taking of them from their neceſſary Employments in making of Aſſeſſes, and Collections, and Impriſonments of their Perſons.

I ſay, *my Lords*, beſides what is paſt, to make our miſeries compleat, they have, as much as in them lies, made them endleſs; for by theſe Opinions they have put upon themſelves and their Succeſſors an impoſſibility of ever doing us Right again, and an incapacity upon us of demanding it ſo long as they continue.

My Lords, in that ſore Famine in the Land of *Ægypt*, when the Inhabitants were reduced to the next door to death; for there they ſay, *Why ſhould we die for bread?* Firſt, they gave their Money; next, their Flocks and Cattel; and laſt of all, their Perſons, and their Lands for Bread, and all became *Pharaoh's*; but by this *Lex Regia*, there is a tranſaction made, not only of our Perſons, but of our Bread likewiſe, wherewith our Perſons ſhould be ſuſtained. That was *for* Bread, this is *of* our bread. For, *my Lords*, ſince theſe Opinions (if we have any thing at all) we are not at all beholding to the Law for it, but are wholly caſt upon the mercy and goodneſs of the King.

Again, There the *Ægyptians* themſelves ſold themſelves, and all they had to the King; if ours had been ſo done, if it had been done by our own free conſent in Parliament, we had the leſs cauſe to complain; but it was done againſt our wills, and by thoſe who were truſted, and that upon Oath, with the preſervation of thoſe things for us.

My Lords, The Laws are our Forts and Bulwarks of defence: if the Captain of a Caſtle, only through fear and cowardiſe, and not from any compliance with the Enemy, ſurrender it; this is Treaſon; as was adjudged in the Parliament, 1 *Rich.* II. in the two Caſes of *Grymes* and *Weſton*, and in the Caſe of the Lord *Gray* for ſurrendring of *Barwick*-Caſtle to the *Scots* in *Edw.* III. time, though good defence hath been made by him, and that he loſt his eldeſt Son in maintenance of the Siege; and yet the loſs of a Caſtle loſeth not a Kingdom only, but the place and adjacent parts, without trouble to the Whole.

But by theſe opinions there is a Surrender made of all Legal defence of propriety, that which hath been preached, is now judged, that there is no *meum & tuum* between the King and the People, beſides that which concerns our perſons.

My Lords, The Law, it is the Temple, the Sanctuary, whither the Subject is to run for ſhelter and Refuge: Hereby it is become *Templum ſine numine*, as was the Temple built by the *Roman Emperour*, who after he had built it, put no gods into it.

We have the Letter of the Law ſtill, but not the ſenſe.

We have the Fabrick of the Temple ſtill, but the Goddeſs, the *Dii-Tutelares* are gone.

But, *My Lords*, this is not all the Caſe (that is) that the Law now ceaſeth to aid and defend us in our Rights, for then poſſeſſion alone were a good title, if there were no Law to take it away, *occupanti concederetur & melior eſſet poſſidentis conditio.* But this, (though too bad) is not the worſt; for beſides that which is privative in theſe Opinions, there is ſomewhat poſitive For now the Law doth not only not defend us, but the Law it ſelf is made the inſtrument of taking all away.

For whenſoever his Majeſty or his Succeſſors ſhall be pleaſed to ſay that the Good and ſafety of the Kingdom is concerned, and that the whole Kingdom is in danger: Then, when and how the ſame is to be prevented, makes our perſons and all we have liable to bare Will and pleaſure.

By this means, the Sanctuary is turned into a Shambles, the Forts are not ſlighted, that ſo they might neither do us good or hurt: But they are held againſt us by thoſe who ought to have held them for us, and the mouth of our own Cannon is turned upon our ſelves.

My Lords, in theſe expreſſions, there is no reflexion upon his Majeſty. It is only that thoſe Judges would have forced upon the Law an unnatural and contrary motion, his Majeſties carriage in the buſineſs cleers his Juſtice.

The firſt Opinion of the Judges under their hands, was procured by my Lord *Finches* ſollicitation only, and by him brought to his Majeſty. Theſe Opinions procured the Letter from his Majeſty for the Opinions inrolled, wherein, as likewiſe in the Caſe in the Chequer, the Judges were left free, as was acknowledged by two of the Judges in the Chequer-Chamber, who argued againſt thoſe Opinions, with this Proteſtation, That if there were any miſcarriages in that buſineſs, it muſt fall wholly upon themſelves; that the King was blameleſs.

My Lords, We know his Majeſties Juſtice is the faireſt, the richeſt Diamond in his Crown, the duſt which theſe men would have blown, and forced upon it, is faln ſhort, and with your Lordſhips helping hands, it will, we hope, be caſt upon their own faces, a fitter place for it than the other.

My Lords, The Oaths of the Judges as they bind them to the due adminiſtration of Juſtice to the Subjects, according to the Laws; ſo, as they be of the Kings Council, by their Oaths they are bound lawfully to counſel him; that is, when their Opinions are demanded, they are to deliver them according to the Law.

I ſhall therefore put your Lordſhips in mind of the memorable Proceedings againſt theſe Judges who have broken this part of their Oath, in that notable Parliament held the eleventh of *Richard* the ſecond.

In this Parliament, judgment of High Treaſon was given againſt eighteen ſeveral perſons, and all (ſave one of them) of eminent rank, three Privy Counſellours, the Archbiſhop of *York*, the Duke of *Ireland*, and Earl of *Suffolk*, the Biſhop of *Exeter*, the Kings Confeſſor, five Knights, ſome whereof had been Servants to *Edward* the Third, and all ſave one, Servants to the then King, and ſome of them of noble Diſcent, ſix Judges, *Lockton*, the Kings Serjeant at Law, *Blake* of the Kings Council at Law, and *Uske* the Under-Sheriff of *Middleſex:* Of theſe eighteen, eight were executed (that is) Sir *Robert Treſilian* the Chief Juſtice, five Knights, *Blake* of the Kings Counſel at Law, and *Uske* the Under-Sheriff; three, that

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is, the Archbiſhop of *York*, Duke of *Ireland*, and Earl of *Suffolk*, fled.

The reſt had their lives pardoned, but were baniſhed; their Lands and Goods forfeited, and little Penſions allowed them during their Lives: It was made Felony for any one to procure their Pardons, and they to be dealt withal as Traitors, if they returned from their baniſhment. And of thoſe Eighteen Perſons, all ſave three were impeached by the Commons.

The Offences which procured theſe Exemplary Puniſhments, although their Proceedings be long, and comprehended all that was done in this Parliament, I will briefly open them to your Lordſhips. During the Minority of that King, by ill Counſel of ſome near his Perſon, there were miſcarriages in Government. In the tenth Year of his Reign, and the twentieth of his Age, a Parliament was holden; in that Parliament in aid of good Government, and of due execution of the Laws, a Commiſſion was awarded to twelve ſeveral Peers, and others of greateſt wiſdom and fidelity: the Commiſſioners had Power in all things concerning the Houſhold, Courts of Juſtice, and the Revenues; in a word in all things concerning the good of the Realm, with full power finally to determine and put in execution for the Honour of the King, the better Governance of the Peace and Laws of the Realm, and Relief of the People.

This Commiſſion was to endure one Year, at the Years end the King would be of full Age.

My Lords, The endeavouring to overthrow this Commiſſion iſſued by Authority of Parliament for the welfare of the Realm, upon pretence that it trenched upon the Royal Power, tended to the diſheriſon of the King, and derogation of the Crown, together with the deſtruction of the Commiſſioners who procured it, and put the ſame in execution, upon pretence that they and ſome others had in Parliament forced the Royal Aſſents.

My Lords, The Conſpiring to overthrow this Commiſſion, and the Procurers of it, is the Caſe in brief; for although there be divers other Articles againſt many of them, yet this was the ground-work of all; and this ſingly and alone is declared in all the Proceedings in that Parliament to be Treaſon. Of theſe Eighteen Perſons condemned, five of them were Plotters (*viz.*) the Archbiſhop, Duke of *Ireland*, Earl of *Suffolk*, *Triſilian* the Chief Juſtice, and Sir *Nicholas Bramber*; theſe inſinuated into the King, that this Commiſſion was in diminution of his Kingly Power, that the Procurers of it had extorted his Royal Aſſent, and that this was Treaſon: thereupon *Blake*, one of the Kings Counſel at Law was adviſed withal; who declared his Opinion that it was Treaſon: he was commanded to prepare an Indictment of Treaſon againſt the Commiſſioners, and ſome of the Procurers of it, who had been Active therein.

The Indictment was drawn by him, which is entered in the Roll, and is to this effect:

That they had traiterouſly conſpired amongſt themſelves in the Parliament, to make this Commiſſion by Authority of Parliament againſt the Regality of the King, to his Diſheriſon, and Derogation of the Crown; That they compelled the Kings conſent, and that they confederated and bound themſelves to maintain one another in ſo doing.

It was intended that they ſhould be tried upon this Indictment in *Middle-*

Middleſex or in *London*; *Uske* the Under-Sheriff of *Middleſex* was acquainted with the buſineſs, who was to prepare things for the effecting of this Deſign, ſome of the Parties to be indicted not being Peers; which he performing accordingly, was therefore executed.

The five Plotters, that the King might the more confide in their Counſels, (for ſo are the words of the Record) and that under the colour of Law, they might cover their malice from the King and the Kingdom, before the Trial was to be had, they adviſe the King to demand the opinion of ſome of the Judges, that is, of the two Chief Juſtices, and Chief Baron, the Judges of the Common-Pleas, ſix in number, and of *Lockton* the Kings Serjeant; *Blake* of the Kings Counſel at Law, was commanded to draw up theſe Queſtions for the Judges Opinions, who did it accordingly.

For the drawing up of theſe Queſtions, and the Indictment, *Blake* was condemned and executed.

The Queſtion being drawn into Writing, the Judges were ſent for to *Nottingham* Caſtle, where, in the Kings preſence they were commanded upon their Allegiance to deliver their opinions.

1. The firſt Queſtion was, Whether the Commiſſion was in derogation of the Crown? They anſwered, that it was.

2. The ſecond Queſtion was, Whether the perſuading and urging the Kings conſent in Parliament thereto, was Treaſon? They anſwered, that it was. Though there were ſome other Queſtions asked, all concerning Parliamentary Proceedings, yet theſe were the main, and thoſe for which they were condemned, as appears by the Replication of the Commons to the Judges Anſwer; and by the words of the Judgment, (*viz.*) *That they knew that this Commiſſion was awarded in Parliament, that it was for the Publick Good, that they knew of the Traiterous Intents to deſtroy the Procurors of this Commiſſion, that they knew the Law, and that it was not Treaſon, and had delivered their Opinions thereby under colour of Law, to cover their Treaſonable intent:* and therefore Judgment of Treaſon was given againſt them, and againſt *Lockton* the Kings Serjeant at Law, who had ſubſcribed the Opinions with the Judges.

Sir *Simon Burley*, one of the five Knights that were executed, was condemned onely for conſpiring the death of the Procurors of this Commiſſion; and although there be other Articles againſt the reſt, yet this alone is adjudged Treaſon in the ſeveral Judgments againſt every one of the Eighteen.

1. My Lords, It is obſervable in all theſe Judgments, that they are adjudged Traitors, as well againſt the Perſon of the King, as againſt the Common-wealth.

2. Secondly, It is there declared upon great advice taken, that in Treaſons which concern the King and Kingdom, they are not bound to proceed according to the Rules of the Common Law, and inferiour Courts, but according to the Courſe of Parliaments, ſo as may be for the common Good.

3. Thirdly, Judgment was given in Parliament, and Execution awarded, and afterwards a Bill of Confirmation paſſed, in reſpect of their Lands, to give them from a day paſt; and for Declaration, that this ſhould be no Precedent to Inferiour Courts to adjudge the ſame Caſes Treaſon, ſave onely in Parliament.

Theſe Judgments were not hudled up in haſte, but they were given upon long and mature deliberation. Theſe Judgments were the whole work

work of that Parliament, and the Proceedings againſt the five Plotters were begun the fourteenth of *November*, and the Judgments were not given till the thirteenth of *February* following, which was a quarter of a Year. And is declared in the Roll, that they ſpent a long time, and took great pains to examine the Evidences, the better thereby to ſatisfie their own Conſciences and the World.

I inſiſt the more upon this to take away all blemiſh from theſe proceedings. It is true, my Lords, theſe Judgments were afterwards, in the Parliament of 21 *R.*2. revoked and made void.

But, my Lords, that *Parliament* of 21 *R.* 2. of Revocation, was held by force; as it is declared in the Parliament Rolls of 1 *H.*4. *Nov.*21,22. that it was held *viris armatis, & ſagittariis immenſis.*

The Knights of Parliament were not elected by the Commons, *per meos exigit, ſed per regiam voluntatem:* and ſo the Lords, *ſummoniri fecit Rex Dominos ſibi adherentes.*

My Lords, By theſe Proceedings it doth appear that this Parliament of Revocation was no free Parliament, if at all it deſerve the name of a Parliament. But to put all out of doubt, the Parliament of 1 *H.*4. *No.*48. theſe Judgments of Revocation are declared to be ἀπόρεα, *iniqua, & omni juri & rationi repugnantia*, erronious, wicked and contrary to all Right and reaſon; and in the Parliament of 1 *H.*4. in Print theſe Attainders are confirmed: ſo that theſe Judgments of Attainder have the Authority of two Acts of Parliament, both of them of force at this day.

Your Lordſhips will give me leave to obſerve the differences and agreements, between the offences of thoſe, and of the preſent Judges, and as well in the way and manner of Procurement, as in the matter of them: for the manner of Procurement, thoſe Judges in *R.* the Second's time, were in the Kings preſence, and as it is in the Parliament Roll of 1 *H.*4. *Nov.*18. they were *violenter attracti*, violently drawn to deliver their opinions, and that *metu mortis & cruciatus corporis*, for the fear of death and tortures of the bodies; and at their Trials ſeverally, they ſay, that in part violence had been offered to their perſons; becauſe they had differed in the delivery of their Opinions. My Lords, This was ſuch a miſcarriage in the Judges, theſe Circumſtances conſidered, as might *cadere in virum fortem & conſtantem:* But, my Lords, Fear or Cowardize, is no Plea for delivering up of the Forts and Bulwarks of the Kingdom.

But in the preſent buſineſs, there is none of all this; it came from within, there is no outward force. In thoſe of *R.* 2. it was *Actus unicus*, once done at *Nottingham* Caſtle; if the Judges had been put to it the ſecond time, perhaps the reſt, as well as ſome of them, had repented, and would not have done it over again: For *Belknape*, the Chief Juſtice of the Common-Pleas, the ſame day declared his ſorrow, and ſaid, That now there remained nothing but a Horſe, a Hurdle, and a Halter; and *Fulthorp*, another of them, the next day declared his grief, for what he had done. But here after the Opinion in *November* 1635. a Year after, *viz.* 1636. they proceed *à peſſimo ad pejus peſſimo*, for that was with additions; moſt of them declared their opinions in their Circuits, and a year after confirmed it again by the Indictment in the Exchequer, here it was done year after year in cold bloud: one murderous blow whereupon death follows, is Felony, but to multiply wounds upon the dead body and to come again in cool bloud to do it, it ſhews the height of malice. In theſe two things they agree:

1. That which the Judges did in *Richard* the ſeconds time, they did it againſt

againſt their own knowledge; they knew the Commiſſion was done by Act of Parliament; ſo here they knew the Petition of Right damned the Commiſſions of Loans, a ſtronger Caſe than that, they ſubſcribed; many of them knew that the Commiſſion of Exciſe was damned in Parliament; they knew the other proceedings in Parliaments, and if they had forgotten them, they were afterwards put in mind of them; they needed not to have conſulted with Books and Journals of Parliaments, ſaving onely with their own memories.

2. They agree in this, That their Opinions tended to the ſubverſion of the Laws and Statutes of the Kingdom; for in that of *R.*2. the offence was, the endeavouring to overthrow Parliaments and Parliamentary proceedings, the Conſpiracy of the death of the Procurers was onely an aggravation. It was not Treaſon to conſpire the death of a Privy Counſellour, or to kill a Judge, unleſs he be upon the Bench, and in that Caſe it is Treaſon, becauſe of the malice, not of the Perſon, but to the Law; ſo that there the Treaſon lay in this, not that they conſpired barely againſt their Perſons: but with reference to their proceedings in Parliament, and thereby to overthrow the Acts of Parliament, wherein theſe perſons had been principal Actors. But in this again they diſagree; for in that Caſe there was onely a Conſpiracy, no death followed to the Procurers of the Commiſſion, nor was the Commiſſion overthrown; all that was done, was onely this, That a Warrant was directed to the Lord Major of *London*, for apprehending their perſons to bring them to Trial, which yet was not done. But here (after the Opinions delivered) Judgment was afterwards given by them in the Exchequer, and Execution awarded thereupon; for ſo much as concerns our property.

And likewiſe in the Kings Bench, where the Judges after the Judgments in the Exchequer, refuſed to hear any more debate of the matter; and ſo for the liberty of our perſons, by keeping divers of the Subjects in Priſon Term after Term for not paying Shipmoney, and other things depending upon thoſe Opinions, when they had been brought before them upon their *Habeas Corpus*.

4. In that of *R.*2. it was for overthrowing but of one Act of Parliament, which was likewiſe introductive of a new Law; for the Commiſſion had no riſe from the Common Law, for in truth it was derogatory to the Crown: It had onely the ſtrength of the Parliament to ſupport it, which was ſufficient, it was for the common Good.

But here the endeavour was at once not to blow up one Act of Parliament, but all; and theſe not introductive, but declaratory of the Common Law, as was the Petition of Right, the Statutes there mentioned, and the Reſolutions.

That of *R.*2. was but the blowing up of the Upper Deck; this, of the Common Law, and the Statutes too, and the old Foundations and the Structures built upon them, all together.

In that of *R.*2. it was onely to overthrow a Temporary Act of Parliament, that was to continue no longer than one year; but this to make an eternal devaſtation (for *toties quoties*) to the Worlds end; as his Majeſty or his Succeſſors ſhall ſay that the Kingdom is in danger, may theſe Opinions be put in execution; and likewiſe they are enrolled in all the Courts of *Weſtminſter-Hall* in *Perpetuam rei memoriam*.

The Sin againſt the Holy Ghoſt is therefore unpardonable, becauſe it takes from the party Repentance, the means of Pardon. To put us therefore into a caſe of deſperation, ſome of them have publickly, and upon

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the Bench declared, that this Prerogative is ſo inherent in the Crown, as that it cannot be taken away by Act of Parliament.

As they have put an impoſſibility upon themſelves, ſo would they put an impoſſibility upon his Majeſty, your Lordſhips and the whole Parliament, for ever righting us again.

My Lords, *Contraria juxta ſe poſita magis elnceſcunt*, I have preſented your Lordſhips with the obliquity of the ill Judges in *R.*2. time; give me leave to preſent your Lordſhips with one example of a contrary nature. And that was in Queen *Elizabeths* time, in the 29 Year of her Majeſties Reign: She erects a new Office in the Common Pleas, for the making of *Superſedeas* on *Exigents* that iſſued there, ſhe grants it to *Richard Cavendiſh*, her Servant, ſends to have him admitted, but the Judges delay the doing of it for this reaſon, becauſe the Prothonotaries and Phillizers claimed the making of thoſe Writs. The Queen ſends a ſharp Letter, and commands them forthwith to admit him; yet the Judges forbear: The Queen ſends a ſharper Letter, commanding them to ſhew the Reaſons of their Contempt and Diſobedience to the then Lord Keeper, and the Earl of *Leiceſter*, no mean men in thoſe days; the Judges deliver their Reaſons why they had refuſed, and it was becauſe others claimed the making of thoſe Writs.

The Queen ſends a fourth peremptory meſſage for their admitting him, with this Reaſon, That if the others were put out, they were rich and able men, and that her Courts of Juſtice were open, where they might demand their Rights,

This was not to take away the Right, but to put them to their Action.

The Judges humbly returned this Anſwer, That the Queen had taken her Oath for the due execution of Juſtice, according to the Law; that they did not doubt, but that when her Majeſty was informed, that it was againſt Law, ſhe would do what befitted her; for their parts they had taken an Oath to God, to Her and the Common-wealth, and if they ſhould do it without Proceſs of Law, before them, and onely upon her command, put the other out of poſſeſſion, though the Right remained to them, it were a breach of their Oaths; and therefore if the fear of God were not ſufficient, they told her the puniſhment that was inflicted upon their Predeceſſors for breach of their Oaths: (citing thoſe of *Thorpe* of *R.*2. time) that they might be ſufficient warning to them. The Queen hearing of theſe Reaſons was ſatisfied, and the Judges heard no more of the buſineſs.

This remains under the hands of *Anderſon* the Lord Chief Juſtice in a Book of his Reports.

Theſe Judges have had examples of both kinds before them, they might have choſen the good, and refuſed the bad.

My Lords, Beſides theſe Judgments and Opinions, the Commons will in due time bring up theſe Judges with their other Judgments, *Corpora cum cauſis*, for your Lordſhips will eaſily conceive that they who have done this, have done more; the principal of them, I mean my Lord Keeper, ſtands accuſed before your Lordſhips of High Treaſon. He is not here, Juſtice goes *pede lento, ſed certo*, it will overtake him at the laſt.

The next ſtep that is making after him, are the Articles of his Impeachment, which with your Lordſhips patience, are now ready to be opened and delivered to your Lordſhips.

Mr. HOLLIS *his Speech in the* CASE *of Sir* RANDAL CREW.

Sir *Randal Crew* Chief Juſtice diſplaced for his Integrity.

MY LORDS,

THeſe Gentlemen have preſented unto your Lordſhips the ſad Object of Juſtice perverted, Liberty oppreſſed, of Judgment turned into Wormwood, the Laws, which ſhould be the Bars of our Grates to protect us, keep us, and all that is ours in ſafety, made weak and impotent, to betray us unto the hands of Violence; in ſtead of Props to ſupport us, become broken Reeds to deceive us, and run into our ſides when we lean upon them; even ſo many Snares to entrap and entangle us.

And all this by the perfidiouſneſs of thoſe who are intruſted with our Laws, who call themſelves the Guardians, and the Interpreters of the Law; but by their accurſed Gloſſes have confounded the Text, and made it ſpeak another Language, and another Senſe, than ever our Anceſtors, the Law-makers intended.

Our Anceſtors made Laws to keep themſelves, their Poſterity after them, in the poſſeſſion of their Eſtates: theſe Judges could make the Law it ſelf rob us, and deſpoil us of our Eſtates. Were we invaded or perſecuted at any time for pretended Crimes, or rather becauſe they were free from Crimes? And did we put our ſelves upon a Legal Defence, and ſhelter our ſelves under the Buckler of the Law, uſe thoſe lawful Weapons which Juſtice, and Truth, and the Common Right of the Subject did put into our hands, would this avail us? No: Theſe Judges would make the Law wreſt our Weapons from us, diſarm us, take away all our Defence, expunge our Anſwers, even bind us hand and foot, and ſo expoſe us naked and bound to the mercileſsneſs of our Oppreſſors. Were our Perſons forced, and impriſoned by an Act of Power, would the Law relieve us when we appealed unto it? No: It would join hands with Violence, and add Bitterneſs to our Sorrow. Theſe Judges would not hear us when we did cry; no Importunity could get a *Habeas Corpus*: Nay, our Cries would diſpleaſe them, and they would beat us for crying; and overdo the Unjuſt Judge in the Goſpel, with whom yet importunity could prevail.

My Lords, The Commons of *England* finding themſelves in this lamentable Condition, by the wickedneſs of theſe Judges, it is no wonder that we complain of them. It is no wonder if the Knights, Citizens, and Burgeſſes, aſſembled in Parliament, have ſent up ſome of their Members to ſtand upon Mount *Ebal* to curſe theſe Judges; to denounce a Curſe upon them who have removed our Land-marks, have taken away the Bound-Stones of the Propriety of the Subject, have left us no *Meum & Tuum*; but he that had moſt Might, had moſt Right, and the Law was ſure to be of his ſide.

It hath been the part of theſe Gentlemen who have ſpoken before me, to pray for Juſtice upon thoſe men, who would not do Juſtice to others. My Lords, I come upon another Errand, and yet for Juſtice too; for there is Juſtice upon Mount *Gerizim*, as well as upon Mount *Ebal*. It is as great a point of Juſtice to give a Bleſſing, a Reward where it is due, as Puniſhment where Puniſhment is due: for Reward and Puniſhment

niſhment, *Præmium & Pœna* be the two Legs that Juſtice walks on, and Reward is her Right Leg, the more noble and the more glorious Supporture of that Sacred and Divine Body, that which God himſelf, the Foundation of Juſtice doth more delight in.

Tardior ad Pœnas Deus eſt, ad Præmia velox;

Puniſhment is good as Phyſick in the Conſequence, Reward as wholeſom and nouriſhing Food in the Eſſence; the one we do, becauſe we muſt do it as Neceſſary; the other, becauſe we love to do it, as being Pleaſing and Delightful.

Your Lordſhips then, I doubt not, will as willingly join with the Commons in doing good to a good Judge, as in puniſhing of the bad.

My Lords, We honour them, and reckon them Martyrs for the Commonwealth, who ſuffer any thing by defending the Common Right of the Subject, when they will not part with their own Goods contrary to Law; when indeed their private Intereſt goes along with it, or rather before it; and the Publick Concernment ſeems to come but in a ſecond place. Such were thoſe many whom theſe Judges have oppreſſed; yet theſe men we magnifie, and judge worthy of Praiſe and Reward.

But what Honour then is he worthy of, who meerly for the Publick, hath ſuffered himſelf to be diveſted and deprived of his Particular; ſuch a Judge as would loſe his Place, rather than to do that which his Conſcience told him was prejudicial to the Commonwealth? is not he worthy of double Honour?

And this did that worthy Reverend Judge, the Chief Judge of *England* at that time, Sir *Randal Crew*, becauſe he would not, by ſubſcribing, countenance the Loan in the firſt Year of the King, contrary to his Oath and Conſcience, he drew upon himſelf the Diſpleaſure of ſome great Perſons about his Majeſty, who put on that Project, which was afterwards Condemned by the Petition of Right, in the Parliament of *Tertio*, as unjuſt and unlawful; and by that means he loſt his Place of Chief Juſtice of the Kings Bench; and hath theſe 14 Years, by keeping his Innocency, loſt the Profit of that Office, which upon a juſt Calculation, in ſo long a Revolution of time, amounts to 26000 *l.* or thereabout. He kept his Innocency when others let theirs go; when himſelf and the Commonwealth were alike deſerted: which raiſes his Merit to a Higher Pitch. For to be honeſt when every body elſe is honeſt, when Honeſty is in Faſhion, and is Trump, as I may ſay, is nothing ſo meritorious; but to ſtand alone in the Breach, to own Honeſty when others dare not do it, cannot be ſufficiently applauded, not ſufficiently rewarded. And that did this good old man do in a time of general Deſertion, he preſerved himſelf pure and untainted.

Temporibuſque malis auſus is eſſe bonus.

My Lords, The Houſe of Commons are therefore Suitors unto your Lordſhips, to join with them in the Repreſentation of this good mans Caſe unto his Majeſty, and humbly to beſeech his Majeſty to be ſo good and gracious unto him, as to give him ſuch Honour (the quality of this Caſe conſidered) as may be a noble Mark of Sovereign Grace and Favour, to remain to him and his Poſterity; and may be in ſome meaſure, a proportionable Compenſation for the great loſs he hath with ſo much Patience and Reſolution ſuſtained.

Indict' Thomæ Harriſon Cleric. 4. Junii Termino Trinitat' 14 *Caroli* Regis. Annoq; Domini 1638. inter Placita Regis iſto eodem Term. Coram Dom. Rege apud Weſtmonaſt. &c.

Midd. ſſ. *Before this time (that is to ſay) upon Thurſday next after the Holy Trinity, before our Sovereign Lord the King in this Court, by the Oaths of Twelve Men of this County, it is preſented, That whereas our Court of Common Pleas hath been an ancient Court of Record for the Adminiſtration of Juſtice between his Majeſties Subjects in Common Pleas, ariſing throughout the Realm of* England. *Whereas it is againſt the Crown and Dignity of his Majeſty, and againſt the Laws and Cuſtoms of this Kingdom for any perſon to diſturb any Juſtice of the ſaid Court, the Court of Juſtice, the Court being open, and the Judges Judicially ſitting; Whereas Juſtice* Hutton *for divers years is, and hath been one of the Juſtices of the ſaid Court of Common Pleas, notwithſtanding* Thomas Harriſon *of* Creek *in the County of* Northampton *Clerk, not having the fear of God before his eyes, but by the inſtigation of the Devil being moved, maliciouſly imagining with himſelf, and compaſſing in his mind by what means he may greatly and malitiouſly ſcandalize and defame the ſaid* Richard Hutton, *one of his Majeſties Juſtices of the ſaid Court of Common Pleas; and maliciouſly imagining and intending, as much as in him is, to ſcandalize, and vilifie, and bring into Contempt the ſaid* Richard Hutton, *of his Life, Goods, Lands, and Tenements, and to incite and provoke the diſpleaſure of our King againſt the ſaid* Richard Hutton, *and him the ſaid* Richard Hutton *to be eſteemed a Traitor to the Kings Majeſty, and to the Peers of this Realm, and withal, the Loyal Subjects of the King, and alſo for to diſturb the ſaid Court of our King, and the Juſtices of the ſaid Court being preſent in the ſaid Court, and there judicially ſitting, and to hinder the Adminiſtration of Juſtice, 4. Maii, 14 of his Majeſties Reign, at the City of* Weſtminſter *in the County of* Middleſex, *that is to ſay, in the Great Hall of Pleas there, that is to ſay, the Court before himſelf, the Court of Chancery, and the Court of Kings Bench in the Great Hall of Pleas, being open, and the Juſtices of the ſaid Courts there being preſent, and there Judicially ſitting, and there diligently hearing the Matters and Cauſes of his Majeſties People of this Realm of* England, *and in miniſtring the Laws of this Kingdom to his Subjects. The ſaid* Thomas Harriſon, *then and there, of his own malice, evil mind, and evil intention, in the preſence and hearing of the Juſtices of the ſaid Court of Common Pleas, and divers of the Serjeants at Law, and many Honourable, and others of his Majeſties faithful Subjects, falſly and maliciouſly did accuſe the ſaid* Richard Hutton *of High Treaſon, and then and there, maliciouſly, openly, and with a high voice, did ſpeak and pronounce thoſe ſcandalous, venemous, and malicious words with a loud voice; I (the ſaid* Thomas Harriſon *meaning) do accuſe Mr. Juſtice* Hutton, *(the ſaid* Richard Hutton) *one of the Juſtices of his Majeſty, (of the ſaid Common Pleas, meaning) of High Treaſon, to the great hurt and derogation of our Sovereign, his Crown, and Dignity, and the great Contempt of the ſaid Court of Common Pleas, and to the diſturbance of the Juſtice, and Laws of the King, and this his Realm, and of the Juſtices of the King, and the Adminiſtration of Juſtice*

in

in the ſaid Court of Common Pleas, *to the evil example of other Offenders, and to the infamy, diſgrace, and deſtruction of* Richard Hutton, *and againſt the peace of his Majeſty.*

To this the ſaid *Thomas Harriſon* hath pleaded *Not guilty*, and hath put himſelf upon the Country and the Kings Attorney of this Court. Likewiſe you are now to enquire whether the ſaid *Thomas Harriſon* be guilty of this crime yea or no.

Mr. Serjeant *Heath.* May it pleaſe your Lordſhip, and you Gentlemen of the Jury, you do hear, by the reading of the Record that here is an Indictment preferred in the behalf of the King againſt *Thomas Harriſon*, who is now at the Bar, and it is for a notable and inſolent Contempt done in this Hall againſt Juſtice *Hutton*, and the Laws of this Kingdom: The Indictment ſets it forth thus, that the Court of *Common Pleas* is an ancient Court, and that it is againſt the Crown and Dignity of the King, and the Courts of Juſtice, that when the ſaid Courts were ſitting, they, nor any of the Miniſters of the ſaid Courts, ſhould not be diſturbed. It is further ſaid, that Mr. Juſtice *Hutton* is, and, formany years paſt, hath been one of the Judges of the Court of *Common Pleas*, and the Defendant, who is now at the Bar, Mr. *Harriſon*, a Clerk, being moved with malice againſt the Perſon of Mr. Juſtice *Hutton*, and intending to bring Mr. Juſtice *Hutton* into the Kings high diſpleaſure, and to hazard the loſing of his Life and his Eſtate, and the forfeiture of his Goods, and to diſturb the Peace of the King and the Courts of Juſtice ſitting, did falſely and maliciouſly the fourth of *May* laſt, in *Weſtminſter* Hall, in the City of *Weſtminſter* (the Courts ſitting) this Court, and the Court of *Chancery*, and the Court of *Common Pleas*, this Defendant boldly, and audaciouſly, and maliciouſly did ruſh to the Bar of the Court of *Common Pleas*, Mr. Juſtice *Hutton*, and Mr. Juſtice *Crawley* then and there ſitting, they attending to the Service of the ſaid Court; There, with a loud voice, ſpake to Mr. Juſtice *Hutton*, ſitting as a Judge. *I do accuſe Mr. Juſtice* Hutton *of High Treaſon*; This offence being committed in this manner, and in this place, and with ſuch a boldneſs, is ſaid to be of a high nature, and to the contempt of the Crown and Dignity of all the Courts of Juſtice, where the King is wholly intereſſed: whether this offence my be puniſhed, that is the force and intent of this Indictment.

My Lords, To this the Defendant hath pleaded *Not guilty*, we that be of the Kings Counſel ſhall make it apparent that this Defendant did do this, and in this manner as is ſet forth.

Mr. Attorn. I deſire that this Examination may be read; but let him ſee whether it be his Hand, yea, or no.

Mr. *Harriſon*. *It is my Hand.*

The Examination of *Thomas Harriſon*, of *Creeke*, in the County of *Northampton*, Clerk, being examined before my Lord Chief-Juſtice *Brampſton*. That it is true, that whereas Mr. Juſtice *Hatton*, and Mr. Juſtice *Crawly*, ſitting in the Court of *Common Pleas*, he came to the Bar, and there publickly did charge the ſaid Juſtice *Hutton* with High Treaſon; And being demanded, What was the point of High Treaſon? He charged him:

1. In denying the Kings Supremacy.
2. Next, Moving of the People to Sedition.

He charged him with High Treaſon as aforeſaid. Further, he was asked, Why he charged him with the firſt; and how he doth deny the Kings Supremacy? He

He anſwers, That by Common fame upon *Saturday* laſt, in the Exchequer Chamber, he did deliver his Opinion, That the King had no lawful power to levy the Ship-money. Being asked, Whether he heard the Argument? He anſwered, He heard it not, but received it from the Common report of others.

Being further asked, Why he charged him with the ſtirring up the People to Sedition? He anſwered, That was becauſe, by the report of divers near to the place where this Examinant dwells, the People go on more and more in their ſtubbornneſs, refuſing the paying of Ship-Money, the which is contrary to the opinion of all the Orthodox Divines of this Kingdom; and in that Mr. Juſtice *Hutton*, riding that Circuit, hath given the People ſuch an encouragement to their diſobedience. Being further asked, Whether any other Perſon did know of this his intent? He anſwered, That there were two others with him, but they did not know any thing of his intention till they heard it ſpoken at Bar. Being asked, Why he made choice of this publick way? The reaſon, ſaith he, was, becauſe that he did deliver his opinion publickly, therefore he thought that to be the beſt way; and if it had been done in a private Treaſon, he thought it fit to acquaint it in a private way.

Thomas Harriſon.

Mr. Attorn.

May it pleaſe your Lordſhip, and you of the Jury, the Priſoner at the Bar, Mr. *Harriſon*, ſtands indicted of a very foul and horrible offence, of a forged and falſe accuſation, framed and contrived out of his own brain, it ſhould ſeem it was out of ſome rooted and inveterate malice; a thing for which there is no colour nor evidence for truth; and himſelf confeſſeth, that it was upon the ground of Common Fame, he charged this Reverend Judge with High Treaſon, and that he denied the King's Supremacy; and the reaſon was, becauſe that he heard of a Common Fame that the Judge had delivered his opinion, that the King had no power to levy Ship-money.

2. Becauſe that he ſtirred up the Kings Subjects to Sedition; and he giveth that for a reaſon, in that the People of *Northampton* do go on in a ſtubborn refuſal of the payment of the Ship-money in regard of the Judges opinion.

My Lord, This is a heavy thing for to accuſe any man of Treaſon, whereby he ſhall forfeit his Lands and Goods, and loſe his life; and ſurely by the old Law this falſe Accuſer ſhould undergo the ſame puniſhment as he ſhould that was accuſed, if he had been found guilty.

My Lords, The Office of a Judge is a place of great honour and truſt.

2 K. 2. 1, 5, &c.

Of Honour, for the Judges of the *Kings Bench* and *Common Pleas* are reckoned *inter magnates Regni*, and the diviſors and publiſhers of falſe lies and tales againſt them are branded for Authors of debates and diſcords between the King and his People, and ſubverters of the Realm.

Of truſt, for he is truſted with the adminiſtration of equal Juſtice between the King and his Subjects, and the Lives, Fortunes, and Eſtates of men; Therefore being a place of ſo great honour and truſt the ſcandal is the greater; and offences and crimes againſt them have been puniſhed not with ordinary puniſhment.

25 *Edw.* III. 1. pr. It is declared to be Treaſon to kill a Judge in execution of his Office.

Our

Our Books ſay, That if one draw a Weapon upon a Judge ſitting in Judicature, though he ſtrike him not, he ſhall be impriſoned during life, and forfeit his Goods and Lands, and loſe his Right Hand.

Though the offence be not done to the Judge, yet being in the Judges preſence (the Courts ſitting) as if one ſtrike a Juror, or any other perſon in *Weſtminſter* Hall, ſitting in the Courts, it hath been puniſhed with the loſs of Hand, Goods, and Lands during Life; this appeareth, 19 *E.* 3. Judgment, 174. 22 *E.* 3. 13. *Mich.* 6 *Ed.* 3. *Coram Rege*, *Rot.* 55. *Stamfords* Pleas of Crown, 38.

The offence of Mr. *Harriſon* is not for accuſing Judge *Hutton*, or any other of Treaſon, for God forbid but that ſhould be lawful where there is juſt cauſe; But to do it without any colour of ground, and to forge a falſe Accuſation out of his own brain, and to act in ſuch an inſolent and mad way againſt a reverend Judge, ſitting in the Seat of Judgment, this is the offence.

37 *Hen.* 6. 3. If one call another Traitor, an Appeal lieth before the Conſtable and Marſhal, and if the Appellant be killed in Battel, it is Juſtifiable.

30 *lib. Aſſ.* one called Juſtice *Seaton* Traitor; and anſwered well in Damages, as appeareth more at large in the Record than in the Printed Book.

Mich. 5 *Car. in Banco Regis*, *Nich. Jeoffes* was indicted and fined in the King's Bench, for writing a Petition, wherein he ſaid the Lord Chief-Juſtice *Crook* was a Traitor.

Treaſons are declared by the Statute 25 *E.* 3. and this Gentleman may expound a Text, he cannot expound Statutes, for this is proper for the Judges of the Realm.

He is not to judge what is Treaſon, and what not, *Tractent fabrilia fabri*, let him keep himſelf within the compaſs of his own profeſſion.

This offence is *Contra coronan & dignitatem*, and the Scandals againſt the King's Judges and Miniſters, trench upon the King himſelf, and and therefore his Royal Majeſty, deteſting this odious and foul fact in the Priſoner at the Bar, hath commanded us his Counſel to give evidence.

The Perſon of the Party accuſed is beſt known to your Lordſhips to be a moſt grave, honeſt, learned, and reverend Judge, and, I preſume, free from any thought of Treaſon.

Mich. 33. 34. *Ed.* 1. *coram Rege* in this Court, *Rot.* 75. *Roger de Higham*, Juſtice of *Oyer* and *Terminer*, gave Judgment for *Mary*, late the Wife of *William Bruce* Plaintiff, againſt *William Bruce* in the Chequer-Chamber.

This *William de Bruce* was of a Noble Family; he asked this *Roger*, Whether he would avow the Judgment? And he told him, yes, Now ſays *de Bruce*, *Roger*, *Roger*, thou haſt thy will, which of long time thou haſt ſought. The Judge asked him, What was that? He ſaid, My ſhame and loſs, and this I will think on; for this offence in a kind of implicite way, taxing the Judge of injuſtice. He was indicted, and confeſſed the Indictment, as Mr. *Harriſon*, the Record ſaith, *Et quia ſicut honor, & reverentia qui Miniſtris Domini Regis ratione officii ſui faciuntur, ipſi Regi attribuntur, ſic dedecus & contemptus miniſtris ſuis fact. eidem Domino Regi inferuntur, conſideratum eſt quod prædictus Willielmus de Bruce diſtrictus in corpore, capite nudo, tena depoſita eat è Banco Domini Regis ubi placita*

placita tenentur in Aula Weſtmonaſterii per medium Aulæ prædictæ cum curia plena fuerit, uſque ad Scac. ubi deliquit & ibidem veniam petat à præfato Rogero, &c. Et poſtea committitur Turri London ibidem moratur. ad voluntatem Regis.

My Lords, I doubt not but you will maintain the honour of a Judge, and puniſh this Delinquent according to his demerits, his offence contained in the Indictment is confeſſed in his Examination, and by himſelf *ore tenus.*

Therefore you of the Jury ſhall not need to depart from the Bar, but find him guilty.

The PROTESTATION *of the Noblemen, Barons, Gentlemen, Burroughs, Miniſters, and Commons, &c. in Anſwer to the King's Declaration of the ninth of* September.

The Proteſtation.

WE Noblemen, Barons, Gentlemen, Burgeſſes, Miniſters, and Commons, his Majeſties true and *Loyal Subjects*; That whereas our continual Supplications, Complaints, Articles, and Informations, preſented, firſt, to the Lords of his Majeſties Privy Council, next to his Sacred Majeſty; and laſt from time to time to his Majeſties Commiſſioners; our long attendance, and great patience this Twelve-Month by-gone, in waiting for ſatisfaction of *our moſt juſt deſires*, our Zeal to remove all Rubs out of the way, which were either mentioned unto us, or could be conceived by us as hinderances of our pious intentions, aiming at nothing but the good of the Kingdom, and preſervation of the Kirk, which by Conſumption or Combuſtion is likely to expire, delighting to uſe no other means but ſuch as are legal, and have been ordinary in this Kirk ſince the Reformation, and labouring, according to our power and intereſt, that all things might be carried in a peaceable manner, worthy of our Profeſſion and Covenant, our Proteſtation containing a hearty thankſgiving for what his Majeſty, in his Proclamation from his Juſtice had granted of our juſt deſires, and our Proteſts and hopes for ſo much *as was not as yet granted.* All theſe made us confidently *to expect* from his Majeſties Royal and Compaſſioned diſpoſition towards this his Native Kingdom, that *a free general Aſſembly* and *Parliament* ſhould have been indicted, as the *ordinary and moſt proper remedies of our grievances*, and did conſtrain us to renew our Petition, earneſtly entreating, that his Majeſties Commiſſioner would be pleaſed to repreſent unto his Majeſty the condition of this Kirk, and Kingdom, crying in an extreme exigence for preſent help, with the lawfulneſs of the remedies preſcribed by his Majeſties Laws, required by us, and preſented to him in ſome particular Articles, which his Grace promiſed to recommend to his Majeſty, and to do his beſt endeavours for obtaining the ſame; eſpecially the firſt Article, that there might be indicted a full and free general Aſſembly, without prelimitation either in the conſtitution and members thereof, in the order and manner of proceeding, or in the matters to be treated: And if there ſhould be any queſtion or doubt about one of theſe, or ſuch like

like particulars, that the determination thereof might be remitted to the Aſſembly it ſelf, as the only proper and competent Judge.

And now, after ſo many Supplications, Complaints, Articles, and Informations; after *our neceſſary Proteſtation*, expreſſing the humble thankfulneſs and continued deſires of our hearts after ſo long expectation, and ſo much dealing, *having with open Ears*, and *attentive minds heard his Majeſties Proclamation*, it is our deſire, purpoſe, and endeavour ſo to proceed that we may upon the one part ſtill be thankful to God and the King, for the *leaſt blink* of his Majeſties Countenance, and the ſmalleſt Crums of Comfort that fall unto us from his Majeſties Royal hands; Beſeeching the Lord yet further to enlarge his Majeſties heart, for our full ſatisfaction and rejoycing, to the honour of God, the good of this Kirk and Kingdom, and his Majeſties never dying fame and glory; that his wiſe government and Zeal to the Service of God, may be a meaſure and pattern of deſires to all Generations hereafter, when they ſhall be wiſhing for a religious and righteous King: And on the other part, that Chriſt our Lord, the King of Kings, through our neglect or lukewarmneſs may want no part of his Sovereignty and Dominion; and that in our Religion, which is more dear unto us than our lives, we deceive not our ſelves, with that which cannot ſatisfie, and make up the breach of this Kirk and Kingdom, or remove our fears, doubts, and ſuſpicions of the innovations of Religion.

This hath made us to obſerve, and perceive that his Majeſties *Proclamation doth aſcribe* all the *late diſtractions* of this Kirk and Commonwealth, to *our conceived fears* of the *Innovation* of Religion and Law, as the Cauſe and occaſion thereof, and *not to the Innovations* themſelves, with which we have been for a long time, and eſpecially of late, *heavily preſſed* and *grieved*, as if *the Cauſe* were rather in *apprehenſion* and *fancy* than in reality and ſubſtance, *That the Service Book, and Book of Cannons are not ſo far diſcharged* by this Proclamation, as they have been urged by Preceding Proclamations; for this *Proclamation only diſchargeth the practice of them*, and reſcinds the Acts made for eſtabliſhing their practice, but *doth not reſcind the former Proclamations*; namely, that of the 19 of *February* at *Sterling*, and that of the *fourth* of *July* at *Edinburgh*, which gives an *high Approbation to theſe Books*, as fit means to maintain Religion, and to *beat down all Superſtition*, and withal declares his Majeſties purpoſe, to bring them into this Kirk in a fair and legal way; And thus both *our fears* that they *may be introduced hereafter*, muſt ſtill remain, and the *liberty of the General Aſſembly* by ſuch a Declaration of his Majeſties Judgment, is not a little *prejudged* in the minds of ſo many as wiſely conſider, and compare the *preceding Proclamations* with this which we now hear; although others who *looking upon one ſtep, and not upon the whole Progreſs, run on raſhly*, and neither conſidering what they are doing, nor with whom they are dealing, may be eaſily deceived. *Qui pauca videt cito Judicat*, a ſhort ſight maketh a ſudden Judgment.

That it is declared in this Proclamation, that his Majeſty neither intendeth to innovate any thing in Religion or Laws, or to admit of any change or alteration in the true Religion already eſtabliſhed and profeſſed in this Kingdom: And withal, this is interpoſed, that the Articles of *Pearth* are eſtabliſhed by the Acts of Parliament, and general Aſſembly, and diſpenſation of the practice only granted, and diſcharge given, that no Perſon be urged with the practice thereof; and conſequently, his Majeſties intention for the ſtanding of the Acts of the Aſſem-

bly and Parliament, appointing the Articles of *Perth*, is manifeſt, which is no ſmall prejudice to the freedom of the general Aſſembly, That while the Proclamation ordaineth all his Majeſties Subjects to be liable to the tryal and cenſure of the Judicatories competent, and that none of them ſhall uſe any unlimitted and unwarranted power; likewiſe that no other Oath be adminiſtred to Miniſters at their entry, than that which is contained in the Act of Parliament: In both theſe Articles the Biſhops are meaned, who are only thereby for the preſent curbed, againſt their exorbitancy and enormities in exercizing their Office; but the Office of Biſhops is thereby not only preſuppoſed as unqueſtionable, but alſo ſo ſtrongly eſtabliſhed, that his Majeſty declareth for the preſent, his intention to admit no innovation therein: Which is more evident by the indiction of the Parliament; warning all Prelates to be preſent, as having voice and place in Parliament; and by the indiction of the Aſſembly, warning all Archbiſhops and Biſhops (for ſo are their divers Degrees and Offices Eccleſiaſtical here deſigned and ſuppoſed) to be preſent, as having place and voice in the Aſſembly, contrary to the Caveats, Acts of the Kirk, and our Declinator: And thus a third and great limitation is put upon the general Aſſembly. The Proclamation, by reaſon of theſe many limitations, and prejudices of the liberty of the Aſſembly in the very points which have wrought ſo much woe and diſturbance in this Kirk and Kingdom, and wherein the liberty of the Aſſembly is moſt uſeful and neceſſary at this time, can neither ſatisfie our grievances and complaints, nor remove our fears and doubts, nor cannot (without Proteſtation) be admitted by us his Majeſties Subjects, who earneſtly deſire that truth and peace may be eſtabliſhed; and that for the reaſons following:

1. To keep ſilence in any thing that may ſerve for the good of the Kirk, whether it be in Preaching, Prayer, or in propoſing and voycing in a Lawful Aſſembly of the Kirk, is againſt the Word of God, *Iſa.* 62. 6. *Ye that are the Lords remembrancers, keep not ſilence, and give him no reſt till he eſtabliſh, and till he make* Jeruſalem *a praiſe in the earth:* 1 *Kings* 18. 21. like the halting of the people between two opinions, and their not anſwering a word when the Lord called them to give a teſtimony, *Acts* 20. 20. *I have kept back nothing that was profitable unto you:* And again, 1 *Cor.* 12. 7. *Mat.* 15. 18. *Rom.* 1. 18. *Rev.* 2. 14, 20. and 3. 15. and therefore to keep ſilence, or not to meddle with corruptions, whether in Doctrine, Sacraments, Worſhip, or Diſcipline, in a general Aſſembly of the Kirk, convened for that end, were the ready way to move the Lord to deny his Spirit unto us, and to provoke him to wrath againſt our proceedings, and might be imputed to us for prejudice, for colluſion, and for betraying our ſelves and the Poſterity.

2. This *Predetermination* is againſt our Supplications and Proteſtations, wherein we have ſhewn our ſelves ſo earneſt for a *Free General Aſſembly*, contrary to every limitation of this kind; ſo far prejudging the liberty thereof, is againſt *the Confeſſion of Faith* regiſtrated in the Parliament, 1567. declaring, that one Cauſe of the Councils of the Kirk is for good policy and order to be obſerved in the Kirk, and for to change ſuch things as men have deviſed, when they rather foſter Superſtition than edifie the Kirk uſing the ſame, and *is againſt our late Confeſſion*, wherein *we have promiſed to forbear all Novations*, till they be tried; which obligeth us to forbear now, and *to try them in an Aſſembly*, and by all *lawful means to labour to recover the former purity*, and liberty of the Goſpel,

to

to which *this limitation is directly repugnant, our liberty in a general Aſſembly*, being the principal of all lawful means ſerving to that end.

3. This were directly contrary to the nature and ends of a general Aſſembly, which having authority from God, being convened, according to the Laws of the Kingdom, and receiving power from the whole collective body of the Kirk, for the good of Religion, and ſafety of the Kirk, whatſoever may conduce to theſe good ends in Wiſdom and Modeſty ſhould be proponed, examined, and determined without prelimitation, either of the matters to be treated, or of the liberty of the members thereof; it being manifeſt, that as far as the Aſſembly is limited in the matters to be treated, and in the members to be uſed, the neceſſary ends of the Aſſembly, and the Supreme Law, which is the ſafety of the Kirk, are as far hindred and prejudged.

4. This limitation is againſt the Diſcipline of the Kirk, which *Book.2. Chap.7.* declareth this to be one of her liberties, that the Aſſembly hath power to abrogate and aboliſh all Statutes and Ordinances concerning Eccleſiaſtical matters that are found noyſom, and unprofitable, and agree not with the time, or are abuſed by the People, and againſt the Acts of the general Aſſembly, like as the pretended Aſſembly *1610.* declareth, for the common affairs of the Kirk (without exception or limitation) it is neceſſary that there be yearly general Aſſemblies: And what order can be hoped for hereafter, if this Aſſembly indicted after ſo long intermiſſion, and ſo many groſs corruptions, be limited, and that more than ever any lawful Aſſembly of the Kirk was, when it was obſerved?

5. It is ordained in Parliament, 11. Act 40 King *James 6.* anent the neceſſary and lawful form of all Parliaments, that nothing ſhall be done, or commanded to be done, which directly or indirectly prejudge the liberty of free voicing or reaſoning of the Eſtates, or any of them in time coming. It is alſo appointed in Parl. 6. Act 92. King *James 6.* that the Lords of Council and Seſſion proceed in all Civil Cauſes intended or or depending before them, or to be intended, to cauſe or execute their Decrees, notwithſtanding any private writing, charge, or command in the contrary, and generally by the Acts of Parliament, appointing every matter for its own Judicatory, and to all Judicatories their own freedom. And therefore much more doth this liberty belong to the Supreme Judicatory Eccleſiaſtick in matters ſo important as concerneth Gods Honour and Worſhip immediately, the ſalvation of the peoples Souls, and right conſtitution of the Kirk, whoſe Liberties and Priviledges are confirmed, Parl. 12. King *James 6.* Parl. 1. King *Charles*, for if it be carefully provided by divers Acts of Parliament, eſpecially Parl. 12. Act 148. King *James 6.* That there be no foreſtalling or regrating of things pertaining to this natural life: What ſhall be thought of this ſpiritual foreſtalling and regrating, which tendeth to the famiſhing or poyſoning of the Souls of the People both now and in the generations afterward?

6. It were contrary to our Proteſtations, Proceedings, and Complaints againſt the late Innovations. And it might be accounted an Innovation and uſurpation as groſs and dangerous to us, and the Poſterity, and as prejudicial to Religion as any complained upon by us, to admit limitations, and ſecret or open determinations, which belongeth to no Perſon or Judicatory, but to an Aſſembly, or to conſent to, and approve by our ſilence the ſame Predeterminations, it were to be guilty of that our ſelves, which we condemn in others, we may eaſily judge how

the Apoſtles before the Counceil of *Jeruſalem*, the Fathers before the *Nicene* Council, and our Predeceſſors before the Aſſembly holden at the Reformation, and afterwards would have taken ſuch dealing.

Which ſaid Reaſons are expreſſed before in the latter end of the year 1638. to ſhorten this Proteſtation, which if all had been put together would have been very tedious.

For theſe and the like Conſiderations in our name, and in the name of all who will adhere to the late Covenant, ſubſcribed by us, and ſealed from Heaven, we (from our Duty to God, our Native Country, our ſelves, and the Poſterity, leſt our ſilence import a ſatisfaction of our deſires, and a ſtopping of our Mouths from neceſſary ſupplication for things yet to be obtained from his Majeſties juſt and gracious diſpoſition) are conſtrained *to declare and proteſt:*

Firſt, That the Cauſe and occaſion of the diſtractions of the Kirk and Commonwealth are no ways to be imputed unto us, or our needleſs fears, but to the Innovations and Corruptions of Religion, which againſt the Acts and Orders of this Kirk, and the Laws of this Kingdom, have been preſſed upon us the People of God, and his Majeſties Loyal Subjects, who, although under great thraldom, were living in peace and quietneſs, labouring in all godlineſs and honeſty to do our duty to God and man.

Secondly, We proteſt that all queſtions and doubts that ariſe, concerning the freedom of the Aſſemblies, whether in the conſtitution and members thereof, or in the matters to be treated, or in the manner and order of proceeding, be remitted to the determination of the Aſſembly it ſelf, as the only proper and competent Judge.

And that it ſhall be lawful for us being authorized with lawful Commiſſions, as at other times, when the urgent neceſſity of the Kirk ſhall require, ſo in this exegence to aſſemble our ſelves at the Diet appointed, notwithſtanding any impediment or Prorogation to the contrary; And being Aſſembled againſt all Qualifications and Predeterminations, or preſuppoſals to propone, treat, reaſon, vote, and conclude, according to the Word of God, Confeſſion of Faith, and Acts of Lawful Aſſemblies, in all Eccleſiaſtical matters, pertaining to the Aſſembly, and tending to the advancement of the Kingdom of Chriſt, and good of Religion.

Thirdly, And ſince Archbiſhops and Biſhops have no Warrant for their Office in thi Kirk, ſince it is contrary both to Reaſon, and to the Acts of the Kirk, that if any have Place or Voice in the Aſſembly, who are not Authorized with lawful Commiſſions, and ſeeing both in common equity and tenour of this Proclamation, they are made liable to the Trial and Cenſure of the Aſſembly: We proteſt that they be not preſent, as having Place or Voice in the Aſſembly, but as *rei* to Compeer for underlying Trial and Cenſure upon the general Complaints already made, and the particular Accuſations to be given in againſt them: And that the warning given by his Majeſties Proclamation, and this our Proteſtation be a ſufficient Citation to them to compeer before the Aſſembly, for their Trial and Cenſure in Life, Office, and Benefice.

Fourthly, We ſolemnly proteſt, that we do conſtantly adhere to our Oath, and ſubſcription of the Confeſſion of Faith, and Covenant lately renewed and approved with rare and undeniable evidences from Heaven of the wonderful workings of his Spirit in the hearts both of Paſtors and People through all the parts of the Kingdom. And that we ſtand to

all

all Parts and Clauſes thereof, and particularly to the Explanation and Application, containing both our Abjuration of, and our Union againſt the particular Evils and Corruptions of the Time; a Duty which the Lord Time eſpecially craveth at our hands.

5. We alſo proteſt, That none of us who have ſubſcribed, and do adhere to our ſubſcription of the late Covenant, be charged, or urged, either to procure the Subſcriptions of others, or to ſubſcribe our ſelves unto any other Confeſſion or Covenant, containing any derogation thereunto, eſpecially that mentioned in the Proclamation, without the neceſſary Explanation and the Application thereof, already ſworn by us, for the Reaſons above expreſſed: and becauſe, as we did in our former Proteſtation appeal from the Lords of his Majeſties Council, ſo do we now by theſe renew our ſolemn Appeal, with all Solemnities requiſite, unto the next free General Aſſembly and Parliament, as the onely Supreme National Judicatories competent, to judge of National Cauſes and Proceedings.

6. We proteſt, That no Subſcription, whether by the Lords of the Council or others of the Confeſſion mentioned in the Proclamation, and enjoined for the maintainance of Religion, as it is now already, or at this preſent time eſtabliſhed, and profeſſed within this Kingdom without any Innovation of Religion or Law, be any manner of way prejudicial to our Covenant, wherein we have ſworn to forbear the practice of Novations already introduced, *&c.* till they be tried in a Free Aſſembly; and to labour by all lawful means to recover the Purity and Liberty of the Goſpel, as it was eſtabliſhed and profeſſed before the aforeſaid Innovation.

And in like manner, that no Subſcription aforeſaid, be any derogation to the true and ſound meaning of our worthy Predeceſſors, at the time of their ſubſcription, in the Year 1581. and afterward. Withall, warning and exhorting all men who lay to heart the Cauſe of Religion againſt the Corruptions of the Time, and the preſent Eſtate of Things, both to ſubſcribe the Covenant, as it hath been explained, and neceſſarily applied; and as they love the Purity and Liberty of the Goſpel, to hold back their hands from all other Covenants, till the Aſſembly now Indicted be Convened, and determine the preſent Differences and Diviſions, and preſerve this Country from contrary Oaths.

7. As his Majeſties Royal Clemency appeareth in forgiving and forgetting what his Majeſty conceiveth to be a Diſorder, or done amiſs in the proceeding of any; ſo are we very confident of his Majeſties approbation, to the integrity of our hearts, and peaceableneſs of our ways and actions all this time paſt; and therefore,

We proteſt that we will ſtill adhere to our former Complaints, Proteſtations, lawful Meetings, Proceedings, Mutual Defences, *&c.* All which, as they have been in themſelves lawful, ſo were they to us preſſed with ſo many Grievances in his Majeſties abſence from this Native Kingdom, moſt neceſſary, and ought to be regarded as good Offices, and pertinent Duties of Faithful Chriſtians, Loyal Subjects, and Senſible Members of this Kirk and Commonwealth.

As we truſt at all occaſions to make manifeſt to all good men, eſpecially to his Sacred Majeſty, for whoſe long and proſperous Government, that we may live a peaceable and quiet life in all godlineſs and honeſty, we earneſtly pray.

Whereupon a Noble Earl, *James* Earl of *Montroſs*, *&c.* in name of the Noblemen, Mr. *Alexander Gibſon* Younger, of *Dury*, in name of the Barons

rons, *George Porterfield* Merchant, Burgeſs of *Glaſcow*; in name of the Burroughs, Mr. *Harry Rollock* Miniſter at *Edinburgh*, in name of the Miniſters, and Mr. *Archibald Johnſton* Reader hereof, in name of all who adhere to the Confeſſion of Faith and Covenant lately renewed within this Kingdom, took Inſtruments in the hands of three Notars preſent at the ſaid Mercate Croſs at *Edinburgh*, being invironed with great numbers of the aforeſaid Noblemen, Barons, Gentlemen, Burroughs, Miniſters, and Commons, before many hundred Witneſſes, and craved the Extract thereof; and in token of their dutiful reſpect to his Majeſties Confidence of the equity of their Cauſe, and Innocency of their Carriage, and hope of his Majeſties gracious acceptance, they offered in all humility, with ſubmiſs reverence, a Copy thereof to the Herald.

His Majeſties Pleaſure Declared, the Eighteenth of Auguſt 1637. *concerning Eccleſiaſtical Courts.*

WHereas in ſome of the Libellous Books and Pamphlets lately publiſhed, the moſt Reverend Fathers in God, the Lord Archbiſhops and Biſhops of the Realm, are ſaid to have uſurped upon his Majeſties Prerogative Royal, and to have proceeded in the High Commiſſion, and other Eccleſiaſtical Courts, contrary to the Laws and Statutes of the Realm, It was Ordered by his Majeſties High Court of Star-Chamber, the Twelfth day of *June* laſt, that the Opinion of the two Lords Chief Juſtices, the Lord Chief Baron, and the reſt of the Judges and Barons, ſhould be had and certified in theſe particulars, *viz.* Whether Proceſſes may not iſſue out of the Eccleſiaſtical Courts in the names of the Biſhops? Whether a Patent under the Great Seal be neceſſary for the keeping the Eccleſiaſtical Courts, and enabling Citations, Suſpenſions, Excommunications, and other Cenſures of the Church? and, Whether the Citations ought to be in the Kings name, and under his Seal of Arms; and the like for Inſtitutions, and Inductions to Benefices, and correction of Eccleſiaſtical Offences? Whether Biſhops, Archdeacons, and other Eccleſiaſtical Perſons, may or ought to keep any Viſitation at any time, unleſs they have expreſs Commiſſion or Patent under the Great Seal of *England* to do it, and that his Majeſties Viſitors onely, and in his name and right alone? . Whereupon his Majeſties ſaid Judges having taken the ſame into their ſerious conſideration, did unanimouſly concur and agree in Opinion, and the firſt day of *July* laſt certified under their Hands, as followeth, *That Proceſſes may iſſue out of Eccleſiaſtical Courts in the name of the Biſhops; and that a Patent under the Great Seal is not neceſſary for the keeping of the ſaid Eccleſiaſtical Courts, or for the enabling of Citations, Suſpenſions, Excommunications, and other Cenſures of the Church; and that it is not neceſſary that Summons, Citations, or other Proceſſes Eccleſiaſtical in the ſaid Courts, or Inſtitutions, or Inductions to Benefices, or Correction of Eccleſiaſtical Offences by Cenſure in thoſe Courts, be in the Kings name, or with the ſtile of the King, or under the Kings Seal, or that their Seals of Office have in them the Kings Arms: And that the Statute of* Primo Edwardi Sexti, cap. ſecundo, *which Enacted the contrary, is not now in force: And that the Biſhops, Archdeacons, and other Eccleſiaſtical Perſons,*

may

may keep their Viſitations as uſually they have done, without Commiſſions under the Great Seal of England *ſo to do.*

Which Opinions and Reſolutions being declared under the Hands of all his Majeſties ſaid Judges, and ſo certified into his Court of Star-Chamber, were there Recorded. And it was by that Court further Ordered the fourth day of the ſaid Moneth of *July*, that the ſaid Certificate ſhould be enrolled in all other his Majeſties Courts at *Weſtminſter*, and in the High Commiſſion, and other Eccleſiaſtical Courts, for the ſatisfaction of all men, that the Proceedings in the High Commiſſion, and other Eccleſiaſtical Courts, are agreeable to the Laws and Statutes of the Realm.

And his Royal Majeſty hath thought fit, with advice of his Council, that a publick Declaration of theſe the Opinions and Reſolutions of his Reverend and Learned Judges, being agreeable to the Judgments and Reſolutions of former times, ſhould be made known to all his Subjects, as well to vindicate the legal proceedings of his Eccleſiaſtical Courts and Miniſters, from the unjuſt and ſcandalous imputation of Invading or Intrenching on his Royal Prerogative, as to ſettle the minds, and ſtop the mouths of all unquiet Spirits, that for the future they preſume not to cenſure his Eccleſiaſtical Courts or Miniſters in theſe their juſt and warranted proceedings. And hereof his Majeſty admoniſheth all his Subjects to take warning, as they will anſwer the contrary at their perils.

The Kings Pleaſure Declared, to confirm to his Subjects their Defective Titles, Eſtates, and Poſſeſſions (as well by colour of former Grants, as without any Grant from the Crown) by his Commiſſion lately renewed and granted to that purpoſe.

WHereas the Kings moſt excellent Majeſty, in his gracious favour towards his loving Subjects, did not onely renew his Commiſſion of Grace, but alſo by his Proclamation given at *Whitehall*, dated the ſixth day of *December*, in the fourth Year of his Reign, did Declare, That in his gracious intention towards his ſaid Subjects, that he had authorized the Lords, and others of his Privy Counſel, and others of his Judges, and Counſel learned, by his ſaid Commiſſion to Sell, Grant, and Confirm to ſuch of his Subjects whom it might concern, their Defective Titles, Eſtates, and Poſſeſſions in ſuch Mannors and Lands which they did enjoy, not onely under colour of ſome defective, void, or inſufficient Grants, or by Letters Pattents of Concealments; but alſo for thoſe Mannors and Lands which they did poſſeſs meerly by Intruſion and Uſurpation, without any colour of Right and Title, they never having had any Grants thereof at all, either from his Majeſty, or any of his Predeceſſors; and yet their ſaid Eſtates and Poſſeſſions are not ſetled by the Act of Parliament made in the One and twentieth Year of the Reign of his Dear and Royal Father King *James* of bleſſed Memory, lately deceaſed,

ſed, intituled, *An Act for the General Quiet of the Subjects, againſt all Pretences of Concealments*; conceiving that his ſaid Subjects would have been as forward to have embraced his ſaid intended Grace towards them, for their own good and relief, as he was graciouſly pleaſed to offer it them. But his Majeſty finding the contrary, and the ſame wholly to be neglected, might now in Juſtice and Reaſon reduce to the Crown, all ſuch other Mannors and Lands whereto his Highneſs hath Right and Title, and which were not ſetled by the ſaid Act to the increaſe of his Revenue.

But his Majeſty not being willing to conſtrue this in the worſt ſenſe, and having nothing more in his Princely deſire, than the general Good of his Subjects, preferring their Peace and Quiet before his own Benefit, hath once more, not onely renewed, but alſo for the greater relief of his ſaid Subjects, enlarged his ſaid Commiſſion of Grace to ſundry his ſaid Lords, and others of his Privy Council, Judges, and Counſel Learned, giving them the like Authority to compound with ſuch of his loving Subjects whom it may concern, and ſhall ſeek Compoſition at their hands, for any of the Mannors, Lands, Tenements, and other the Hereditaments of the ſeveral natures and qualities contained and expreſſed in the Schedule, which his Majeſty hath cauſed hereunto to be annexed; whereby each one whom it concerneth, may take knowledge, for what and how he may be relieved by the ſaid Commiſſion, if in time, and by a due courſe he ſhall ſeek the ſame.

But his Majeſty doth further declare his Royal Pleaſure by this publick Declaration to be, That if thoſe whom it may concern, ſhall not by, or before the Feaſt of *All-Saints* next, attend his Majeſties Commiſſioners, for ſuch moderate and reaſonable Compoſitions as ſhall be found fit and equal for them, for or concerning any of the ſaid Premiſſes ſo by them intruded upon, and unjuſtly detained from his Majeſty, that his Majeſty will not in prejudice of his juſt Title and Revenue, defer his own Benefit any longer, but either take a legal Courſe for the reducing of ſuch of the ſaid Mannors and Lands, and other the Premiſſes (of ſuch perſon and perſons as ſhall any longer neglect this his gracious Offer) to the increaſe of his Revenue, or otherwiſe grant the ſame over unto ſuch others as ſhall be Suitors to him for the ſame.

And his Majeſty the better to be informed who embraceth this his Royal Grace, and who neglecteth the ſame, hath appointed and commanded *Robert Tipper* of *Grays-Inn* his Majeſties Servant, to attend his Majeſties Commiſſioners, as in former times he hath done, who is to acquaint his Majeſties ſaid Commiſſioners with the ſtate of the ſeveral Caſes of thoſe that ſhall ſeek a Compoſition as aforeſaid, and who do accept this his Majeſties Grace, and who not, whereupon ſuch further proceeding may be had, according to their ſaid ſeveral neglects, as his Majeſty in his Wiſdom ſhall think fitteſt.

Given at Whitehall *the Seven and twentieth day of* May, *in the ſixth Year of the Reign of King* Charles, *of* Great Britain, France, *and* Ireland.

A Proclamation for Adjournment of part of TRINITY TERM.

THe Kings moſt Excellent Majeſty finding that the Infection of the Plague is at this preſent ſcattered and diſperſed in the City of London, and Suburbs, and ſome Pariſhes adjoining to the ſame; and weighing the danger and inconveniencies which may fall out, by the reſort of his Subjects from all parts of the Kingdom to his Cities of London and Weſtminſter, for their neceſſary Cauſes and Suits, the next Term: and being providently careful to prevent all Occaſions that may tend to the increaſing or diſperſing of the Plague; hath thought good (by the advice of his Privy Council) to publiſh his Royal Pleaſure, to adjourn ſome part of Trinity Term next; that is to ſay, in, and from the ſecond Return thereof, called Octabis Trinitatis, until Tres Trinitatis, being the laſt Return of the ſame. And that to be for ſuch Cauſes onely, and for ſuch intent and purpoſe, as hereafter is expreſſed.

And therefore his Majeſty doth hereby Signifie and Declare his Will and Pleaſure is, That Writs of Adjournment ſhall be directed to the Juſtices of either Bench, and to the Judges of all other his Majeſties Courts, to whom like Writs have been uſually directed, giving them power to adjourn the next Trinity Term, in, and from Octabis Trinitatis next, until Tres Trinitatis then next following; and the ſaid Adjournment to be made the firſt day of the ſaid Octabis Trinitatis, called the day of the Eſſoigns; and his Majeſty conſidering in his Princely Wiſdom the prejudice that may grow to many of his Subjects in their Cauſes and Suits if that Term ſhould be wholly Adjourned, hath therefore by the Advice of his ſaid Council determined, to have ſome part thereof to be holden and continued for ſome few days in the beginning and ending of the ſame, as is before Declared; wherein, nevertheleſs, his Majeſties intention is, that the ſame days ſhall be uſed onely for the better expediting and continuing Cauſes and Suits, and Returning and Suing out of Proceſs, and for ſuch other like things as may be performed and done in the abſence of the Parties by their Attornies; And therefore his Majeſty doth hereby Declare his Will and Pleaſure to be, That in the ſaid Term there ſhall be no Trials by Juries, or any Judgments upon Demurs, or ſpecial Verdicts, or ſuch like in any of his Courts of Kings Bench, Common Pleas, or Exchequer; And alſo, that there ſhall be no Judicial Hearing, or Determining of any Cauſes or Matters, in any of his Courts of Star-Chamber, Chancery, Exchequer-Chamber, Court of Wards, Dutchy-Chamber, or Court of Requeſts, during the ſaid Term: And that no Party ſhall need to be preſent in perſon for any ſuch Cauſes or Suits, but the ſame may be attended and done by their Attornies. And his Majeſty doth hereby further Notifie and Declare, That no Party ſhall be compelled or need to appear in perſon in any of his Majeſties ſaid Courts at any time during the ſaid Term, but may make their Appearance by their Attornies,

saving onely in Cases of Out-Lawry, and other the Cases mentioned in the Proviso hereafter following: And also that no Juries, or any whom the same may concern, shall be compelled or need to appear in any of his Highnesses Courts at Westminster, at any time during the said Term, for any Cause or matter whatsoever, unless it be for some special and important Cause for his Majesties Service only: Provided nevertheless, and his Majesties Pleasure and Commandment is, that all Collectors, Receivers, Sheriffs and other Accomptants, and all other persons that should or ought to account, or pay any Sum or Sums of money in any of his Majesties Court of Exchequer, Court of Wards and Liveries, or of his Dutchy of Lancaster, or in any one of them, or enter into any Account in any of the said Courts, shall repair to the accustomed places at Westminster, and there to pay, and do in every behalf as though no such Proclamation or Adjournment had been had or made.

And his Majesties further Pleasure and Commandment is, That all Sheriffs shall Return into his Majesties Court of Exchequer, Court of Wards and Liveries, and Dutchy of Lancaster, all manner of Writs and Proces issued out of the same Courts, and Returnable in Trinity Term next, which in any sort concern his Majesties Revenues Debts, or Duties, at or before the days of Returns thereof into such Offices from whence the said Writs and Proces did issue: And that all Commissioners likewise Return all manner of Commissions and Inquisitions Returnable the same Trinity Term, and from the said Court sent, whereby his Majesty is to receive Profit and Commodity.

And all Sheriffs, Collectors, and all manner of Accomptants, and every person that is to pay any kind of Debt or Duty unto the Kings Majesty, in any of the said Courts, do either by themselves, their Deputies, or Attornies, pay the same in such sort as they ought to have done, if no such Proclamation or Adjournment had been made, or else to sustain such Damage of Issues, Seisure, Fine, Amerceament, and Penalty to be imposed upon them, as hath been accustomed, without any hope to be discharged thereof And that all Sheriffs by themselves, or their sufficient Deputies, shall give their attendance at the day appointed for their Opposal in the Court of Exchequer, to answer their Returns before his said Barons, as hath been heretofore accustomed; and if any default shall be made by any of the persons aforesaid, that then (in respect of the Kings present necessary and extraordinary charges) Serjeants at Arms and Pursevants shall be sent to bring them up to answer their Contempt and slackness in payment

And his Majesties further pleasure is, and he doth expressly Require and Command, That all and every person and persons, who by any of his Majesties former Proclamations have been required to depart from the Cities of London and Westminster, Suburbs and Liberties thereof, and places adjoining, and to reside in the Country, do conform themselves accordingly, and that they presume not to remain here, after the end of this present Easter Term, under pretence of Law-Suits, or otherwise. And because his Majesty hopeth, that by the sending away of those multitudes of persons inhabiting in the Country, there may be a better opportunity for the Magistrates in and near the City of London

to

to Govern the ſaid City and the parts adjacent, in ſuch ſort as that the Sick and Infected may be ſevered and kept from the Whole; whereby, and by the Bleſſing of God, the further ſpreading of the Infection may be ſtaid.

Therefore his Majeſty doth eſpecially Charge and Require, as well the Lord Maior and Aldermen of the City of London, as the Juſtices of Peace, and all other Officers and Miniſters within Weſtminſter, Middleſex, Surry, and Kent, to take ſpecial care, that as well the Orders lately publiſhed by his Majeſties direction, as ſuch other as ſhall be found neceſſary for preventing the ſpreading of the Infection, be from time to time ſtrictly put in execution: And alſo that all other Juſtices of Peace in all other Counties, Maiors, Bailiffs, and Chief Officers of Cities and Towns Corporate, and other places within their ſeveral Juriſdictions, be careful to do the like, as there ſhall be occaſion, as they tender his Majeſties Royal Commands, and the Common Safety of his Kingdoms and People in theſe times of Danger.

Given at our Honour of *Hampton-Court* the Seven and twentieth day of *May*, in the Twelfth Year of our Reign of *England*, *Scotland*, *France*, and *Ireland*.

The Intentions of the Army of the Kingdom of Scotland, *Declared to their Brethren of* England, *by the Commiſſioners of the late Parliament, and by the General, Noblemen, Barons, and other Officers of the Army.*

THe beſt Endeavours and greateſt *Works* wherein the good Hand and Providence of God have been moſt evident and ſenſible, and the hearts and intentions of Men, called to be the Inſtruments, moſt *pious* and *ſincere*, Though they found approbation with the *Wiſer Sort*, and ſuch as are given to *Obſervation*, yet they have ever been ſubject to be miſconſtrued by blind *Suſpicion*, to be reproved by Cavelling Cenſure, which maketh place for it ſelf to enter, where it findeth none, and to be condemned of the *Ignorant*, but moſt of all of the *Malicious*, who cannot be pleaſed, even when God is beſt pleaſed; and when men ſeek to approve themſelves to every ones Conſcience, but in their hearts wiſh rather that the Temple ſhould not be Built, Religion never Reformed, and they themſelves, *Iſſachar* like, couch between the two Burthens, than that they ſhould be in their Worldly Projects or Poſſeſſions oppoſed or troubled. The *deliverance* of the People of *God* of Old from the Ægyptian *Servitude*, the *Redemption* of the Church by the Son of *God*, and the *Planting* of Chriſtian Religion by his *Servants*, and the *Vindication* of Religion from Romiſh Superſtition and Tyranny, which are the *greateſt* and moſt *wonderful works* of *God*, have been moſt bitterly calumniated, and ſpitefully ſpurned againſt by the Wicked.

The *Nature* and *Quality* of this *good work*, wherein the *Lord* hath honoured us to be *Actors*, and the experience which we have found of continual *oppoſition* ſince the beginning, may teach us, if we be not *as the Horſe and Mule which have no Underſtanding*, that we are to expect the gain-ſaying of *Sinners*, and that nothing can be hatched in *Hell* by Satan, or prompted by his Suppoſts on Earth, which will not be produced to make us, and the Cauſe of *God* which we maintain, odious to all men, but moſt of all to our Neighbors and deareſt Brethren. When we ſhall now enter into *England* it will be laid to our charge that we mind nothing but Invaſion, and that no leſs hath been intended by us from the beginning, than under the pretext of ſeeking our Religion and Liberties to enrich our ſelves with their *Poſſeſſions* and *Goods*: But our peaceable carriage many years paſt before the time of thoſe late *Troubles*, our *Informations*, *Declarations* and *Remonſtrances* publiſhed to the World, wherein we have Curſed all National Invaſion, and our willingneſs when we were in Arms, to lay them down, upon the ſmall hopes of injoying our Religion and Liberties; and our forbearing now, by way of Repriſal, to ſatisfie our ſelves upon the Ships and *Goods* of our Dear Brethren of *England*, for thoſe Ships and *Goods* of ours that have been taken by the Kings Ships, which poſſibly we might have been able to do, had not Juſtice forbidden us to take from them, whom we are aſſured, neither wiſh us *harm*, nor have done us *wrong*, will be conceived by the *Wiſe* and well affected to be more plain and ſure evidences of our meaning, than all that *Malice* can deviſe, or *Calumny* can expreſs againſt us.

Neither have any new Emergents altered, but rather confirmed our former *Reſolutions*: for although both before and ſince the late *Pacification* we have been highly injured by ſome *Papiſts and Prelats*, and their Adherents there, who have been, and are ſtill ſeeking no leſs, than that we ſhould no more be a Church or Nation; and therefore themſelves cannot think but we muſt accompt of them as *Gods* Enemies and ours: Yet above all the *favours* we have received from the *Good People and Body of the Kingdom of* England, One there is which hath highly honoured them before the World, and endeared them unto us more than before, which ſhall never be forgotten by us, and we hope ſhall be thankfully remembred by our Children, and Childrens Children after us, to all *Generations*; that when upon miſinformation the Council of *England* had concluded to raiſe Force againſt us, when the Parliament of *Ireland* had offered their Perſons and Eſtates for ſupply againſt us; when all *Plots* and *Policies* were ſet on work, and Publick *Declarations* by Authority were made, and the *Parliament* called for this very end, when we had been traduced, and Proclaimed as Traitors and Rebels at every Pariſh Church, yet ſo *wiſe*, ſo *grave*, ſo *juſt* was that High Court of *Parliament* (to their everlaſting *honour* be it remembred) that no *threatnings* nor *fears*, no *promiſes* nor *hopes*, no *fineneſs* nor cunningly deviſed *ſuggeſtion* could move them to decern a War, or grant any Subſidy for a War againſt us, but rather by their *Speeches*, *Complaints* and *Grievances* parallel to ours, did juſtifie the Cauſe (ſo much as in them was) which we *defend*. This *rich* and *recent favour* doth ſo bind our *hearts*, that were our *Power* never ſo *great*, we ſhould judge our ſelves the *unworthieſt of all men*, and could look for no leſs than *Vengeance from the righteous GOD*, if we ſhould move *hand* or *foot* againſt that Nation ſo comfortably to us repreſented in that *Honourable Meeting*. In this our *thankful acknowledgment*, we deſire that the City of *London* may have their own large ſhare, as they well deſerve

deſerve by the noble profeſſion they have given of their conſtant affection to Religion, and the *Peace* of both Kingdoms, notwithſtanding the continual aſſaults of the miſleaders of the King againſt them, always rendring them *ſeditious* in his ears. And if this which doth ſo convince us ſhall not be *thought ſufficient* to *ſatisfie all the good People of* England: We now before *God* and the World make offer in general, and we make offer to ſo many of them as ſhall require it in particular, *of the ſtrongeſt and moſt inviolable bond of our ſolemn Oath and Religious atteſtation of the Great Name of GOD, who is our fear and dread, and from whom we hope for a bleſſing upon our Expedition, that we intend no Enmity or Rapine, and ſhall take no mans goods, nor engage our ſelves in bloud by fighting, unleſs we be forced unto it*, which we may look for from the Papiſts and Prelates: But if any ſuch thing ſhall come from *godly men*, or good Patriots, who love the *truth of Religion*, or the Kings *Honour*, and their own *Liberty*, both the rule of *Charity* (which entertaineth no ſuſpicion where there is no evil deſerving) and the ſoul of *Wiſdom* (which teacheth that both Nations muſt now *ſtand* or *fall* together) do forbid us to apprehend. All the deſign of both Kingdoms is for the *truth of Religion*, and for the *juſt Liberty* of the Subject, and all the devices and doings of the Enemy are for the *oppreſſing* of both; that our Religion may be turned into Superſtition and Atheiſm, and our *Liberty* into baſe *Servitude* and *bondage*. To bring this to paſs they have certainly conceived, that the blocking up of this Kingdom by Sea and Land would prove a *powerful* and *infallible means*: For, for either within a very ſhort time ſhall we through want of *Trade*, and ſpoyling of our *goods* be brought to ſuch extreme *Poverty* and *Confuſion*, that we ſhall miſerably deſire the *Conditions* which we now deſpiſe, and decline, and be *forced* to imbrace their *will* for a Law, both in Church and *Policy*, which will be a Precedent for the like miſery in *England*, who timouſly foreſeeing it may be taught by their and our danger to be more *wiſe*; or upon the other part, we ſhall by this Invaſion be conſtrained furiouſly and without *order* to break into *England*, which we believe is the moſt earneſt deſire of our common *Enemies*, becauſe a more ſpeedy execution of their *deſign*: For we doubt not but upon our *coming* Clamours will be raiſed, Poſts ſent, and Proclamations made, through the Kingdom. to ſlander our *pious* and *juſt intentions* (as if this had been our meaning from the beginning) to ſtir up all the Engliſh againſt us, that once being entred in *Bloud*, they may with their own Swords extirpate their own Religion, lay a preſent *foundation* with their own hands for building of *Rome* in the midſt of them, and be made the Actors of their own and our *ſlavery* to continue for ever. But in this admirable *opportunity* of *vindicating* of *true Religion* and *juſt liberty*, if *Divine Providence* be looked upon with a *reverent eye*, and *men fearing God*, and loving the Kings *Honour*, and *Peace* of both Kingdoms, ſhall walk worthy of their *Profeſſion*, although the Enemies have obtained ſo much of their deſires, as by cords of their own twiſting, to draw us into *England*, yet may their main deſign be diſappointed, the Rope which they have made brought upon their own necks, and their *wiſdom* turned to *fooliſhneſs*, which we have reaſon to hope for from that *Supreme Wiſdom* and *Power* which hath in all the proceedings of this work turned their devices upon their own pates that *plotted* them.

In our *Informations*, *Remonſtrances*, and the true *Repreſentation* of our proceedings ſince the laſt *Pacification*, we have ſo far expreſſed the wrongs which we have ſuſtained, and the *diſtreſſes* which we ſuffer, as may

may make manifeſt our preſſing neceſſity to take ſome other courſe for our preſent relief, than ſuch *Petitions*, *Supplications*, and *Commiſſions*, as we have uſed before with leſs ſucceſs than could be expected of a Kingdom from their *native* King. Before we ſtirred ſo much as with a *Petition*, we endured for many years, not only the continual *oppoſition* of the *truth*, and power of Religion by Prelates and Papiſts, but alſo the violation of all our *Liberties*, and almoſt the total ſubverſion of our Religion, which was our comfort in the ſight of *God*, and the glory of this Nation in the ſight of other Churches, who by the teſtimony of their Divines made our Reformation the meaſure of their Wiſhes, and would have redeemed it with their greateſt worldly loſſes, when groſs Popery was notoriouſly obtruded upon us in the Book of Canons and Common Prayer, without conſent or knowledge of the Churches; and the Plot of the Prelates and Papiſts wholly diſcovered how to ſettle it in both Nations: We added to our former ſufferings no other Arms but *Prayers* and *tears* unto *God*; and Petitions to our King, which were utterly rejected; the Books and corruptions againſt which we *petitioned* highly *exalted*, and by the *inſolent advice* of thoſe who govern now his Councils, labour to eſtabliſh their own ill acquired greatneſs upon our oppreſſion, and the ruins of our Religion and Liberties. We were forbidden to inſiſt, under the pain of High Treaſon, when we found our ſelves thus oppoſed and born down; ſtill inſiſting in our humble deſires we ſolemnly renewed our ſolemn and National Oath and Covenant for preſerving of our Religion and Liberties, and of his Majeſties Authority, knowing the *violation* of that Oath to be the guiltineſs which had procured our woes, and that our Repentance and turning to *God* were the means by his bleſſing for a good ſucceſs: When contrary to our deſerving and expectation his Majeſty was moved by wicked Counſel to march toward us with an Army, we chooſed rather to neglect ſuch courſes as might ſerve for our humane ſafety, than to fall in ſeeming diſobedience to our King, or to give the ſmalleſt diſtaſte to our Brethren in *England*, and therefore diſbanded our Forces, delivered all Holds which were craved, in teſtimony of our *obedience*, and ſo far complied with his Majeſties pleaſure, that notwithſtanding the determination of our lawful former Aſſembly, called by his Majeſty, we were contented that a new free Aſſembly and Parliament ſhould be appointed, where all things both concerning our Religion and Liberties might again be conſidered and eſtabliſhed. When matters Eccleſiaſtical were determined in the Aſſembly according to the Conſtitutions of the Church, in the preſence, and with the conſent of his Majeſties Commiſſioner; and the Parliament was convened for perfecting the work, although we walked therein ſo warily that no juſt provocation was given to his Majeſty, yet contrary to the Laws and Cuſtoms of this Kingdom, the Parliament ſo certainly promiſed, when his Majeſty was free of thoſe bad Counſellours, was (being again in their power) by their advice prorogued, which to ſhew our invincible *obedience* we were content to ſuffer, and did ſend up our Commiſſioners to *London* to render the reaſons of our Demands. When our Commiſſioners and Petitions of the Parliament, called by his Majeſty, were ſo far rejected, that they were never ſeen or heard. We ſend up our Commiſſioners again with our *Propoſitions*, which contained nothing but what was neceſſary for the *peace* and *Good* of the Kingdom, and was granted to us before under his Majeſties hand, yet could they find no anſwer at all, which will be wondred at, and hardly believed by ſo many as are ſtrangers at Court,

and

and know not the Biſhop of *Canterbury*, and the Lieutenant of *Ireland*, with the aſſiſtance of the too too powerful Faction of the *Hiſpanioliz'd* Papiſts labour to ſhew their zeal for his Majeſties greatneſs, by oppreſſing the juſt Liberties of the free Subjects, and the Reformed Religion in all the three Kingdoms: But in place of the gracious Anſwer which we expected, our Commiſſioners were *reſtrained*, and one of the Noble men *impriſoned*; Garriſons of *Strangers* ſet over our heads, in an *inſolent* and Barbarous way exerciſing their cruelty, even againſt Women and Children; our Ships and *Goods* taken and ſunk, and the Owners ſtript naked, and more inhumanely uſed at the Commandment of abuſed Authority, by the Subjects of our own King, than by Turks and Infidels, and great Armies prepared againſt us, with a terrible Commiſſion to ſubdue and deſtroy our *ſelves*, our Religion, Liberties, Laws and all. In this extremity for us to ſend new Commiſſioners and Petitions were againſt *ſenſe* and *experience*, thoſe that Govern the Kings Counſels being far from any inclination or intention to ſatisfie the juſt deſires and *grievances* of the Subjects, as they have made manifeſt by breaking up of the Parliament in both Kingdoms, (though we know them to be often countervoted by many of that Honourable Board, more candid and peaceably minded.) To ſit ſtill in ſenſeleſneſs and ſecurity, waiting for our own deſtruction at the diſcretion of our mercileſs enemies (which were it not at this time with the Cauſe of *God* would move us the leſs) is not only againſt Religion, but Nature, teaching and commanding us to ſtudy our own *preſervation*. To endure continual *threatnings*, and ſo great *hoſtility* and *invaſion* from year to year, which is the profeſſed policy of our enemies is impoſſible, and when we have examined our own ſtrength, more than we are able to bear. We have therefore, after much agitation and debating with and amongſt our ſelves, reſolved to have our proceedings, which have been canvaſed by ſo many, and are brought to ſome point of *determination* in our own Parliament, to be better known to the Kings Majeſty, and the world, and eſpecially to the Kingdom of *England*, that againſt all falſe and artificial relations, they being nakedly ſeen to be what they are, we may obtain a better grounded and more durable *peace* for the injoying of our own Religion, and Laws; and as we deſire the unworthy Authors of our *Troubles*, who have come out from our ſelves to be tried at home, and *juſtice* to be done upon them according to our own Laws, ſo ſhall we preſs no further proceſs againſt *Canterbury*, the Lieutenant of *Ireland*, and the reſt of thoſe pernicious Counſellours in *England*, the Authors of all the miſeries of both Kingdoms, than what their own Parliament ſhall diſcern to be their juſt deſerving. When we look upon this work of *Reformation* from the beginning, and perceive the impreſſions of the Providence of *God* in it, we are forced in the midſt of all our *difficulties* and *diſtreſſes* to bleſs *God* for his Fatherly care and free love to his Church and Kingdom, and to take courage and ſpirit to proceed in *patience* and *perſeverance* whither he ſhall go before us, and lead us on. When the Prelates were grown by their Rents and Lordly Dignities, by their power over all ſorts of his Majeſties Subjects, Miniſters and others, by their places in Parliament, Councel, Colledge of Juſtice, Exchequer, and High Commiſſion, to an abſolute Dominion and Greatneſs, and ſetting the one foot upon the Church, and the other upon the State, were become miſerably Inſolent; even then did the work begin, and this was the *Lords opportunity*. The beginnings were ſmall, and promiſed no great thing, but have been ſo ſeconded and continually followed by *Divine Providence*,

Providence, preſſing us from ſtep to ſtep, that the *neceſſity* was invincible, and could not be reſiſted. It cannot be expreſſed what motions filled the *heart*, what *tears* were poured forth from the *eyes*; and what *cries* came from the *mouths* of many thouſands in this Land at that time, from the ſenſe of the *love* and *power* of *God*, raiſing them as from the *dead*, and giving them hopes after ſo great a deluge and vaſtation to ſee a new world, wherein Religion and Righteouſneſs ſhould dwell. When we were many times at a pauſe, and knew not well what to do, the *fears*, the *furies*, the *peeviſhneſs*, and the *plots* of our dementat Adverſaries opened a way unto us, and taught us how to proceed; and what they deviſed to ruine us, ſerved moſt againſt themſelves, and for raiſing and promoting the work. *O Providence to be adored!* Although neither Counſel nor Seſſion, nor any other Judicature hath been all this time ſitting, and there have been meetings of many thouſands at ſome times, yet have they been kept without *tumult* or *trouble*, and without exceſs or riot, in better *order* and greater quietneſs, than in the moſt *peaceable times* have been found in this Land. When we were content at the *pacification* to lay down *Arms*, and with great loſs to live at home in *peace*, our wicked *Enemies* have been like the troubled Sea when it cannot reſt, whoſe *waters caſt up mire and dirt*, and will have us to do that which it ſeems the *Lord* hath decreed againſt them. The *purity* of our *intentions* far from baſe and earthly reſpects, the bent and inclination of our *hearts* in the midſt of many dangers, the fitting of inſtruments, not only with a deſire and diſpoſition, but with ſpirit and abilities to overcome *oppoſition*, and the conſtant peace of *heart* accompanying us in our ways, which beareth us out againſt all *accuſations* and *aſperſions*, are to us ſtrong grounds of aſſurance that *God* hath *accepted* our *work*, and will not leave us: We know the *Lord* may uſe even wicked men in his *ſervice*, and may fill their Sails with a fair gale of *abilities*, and carry them on with a ſtrong hand, which ſhould make us to ſearch our hearts more narrowly. But as this ought not to diſcourage his own *faithful Servants*, who out of *love* to his Name intend his *honour*, walk in his *ways*, find his *peace comforting them*, his *Providence directing them*, and his *preſence bleſſing them* in their *Affairs*. So can it not be any any juſt ground of quarrelling againſt the *work of God*. Yet all theſe our incouragements which have upholden our *hearts* in the midſt of many *troubles*, could not make our entry into *England* warrantable, if our *peace* (which we earneſtly ſeek and follow after) could be found at home or elſewhere. Where it is to be found we muſt ſeek after it, and no ſooner ſhall we find it clearly ſecured to us, but by laying down our Arms, and by the evidences of our *peaceable* diſpoſition, we ſhall make it manifeſt to the world, and eſpecially to the Kingdom of *England*, that we are ſeeking nothing elſe but *peace*, and that our taking up of Arms was not for Invaſion, but for Defence. No man needeth to plead by *poſitive Law* for *neceſſity*. It is written in every mans *heart* by *nature*, and in all *actions* we find men have received it by *practice*, *that Neceſſity is a Sovereignty*. A Law above all Law is ſubject to no Law, and therefore is ſaid *to have no Law*. Where *Neceſſity commandeth*, the Laws of *Nature* and Nations give their *conſent*, and all *poſitive Laws* are *ſilent* and give place. This Law hath place, ſometimes to *excuſe*, ſometimes to *extenuate*, and ſometimes to *juſtifie* and *warrant actions* otherwiſe queſtionable: And no *greater neceſſity* can be than the *preſervation of Religion*, which is the *Soul*; of the *Country*, which is the *Body*; of our *Lives*, who are the *Members*; and of the *honour* of our King, who is the *Head*. All theſe at this

this time are in a common hazard, and to *preſerve* and *ſecure* all, we know no other way under the Sun. (And if any be ſo wiſe as to know it, we deſire to hear it, and ſhall be ready to follow it) but to take order with our common Enemies where they may be found, and to ſeek our *aſſurance* where it may be given. The Queſtion is not, Whether we ſhall content our ſelves with our own *poverty*, or *enrich* our ſelves in *England*? That Queſtion is *impious* and *abſurd*. Neither is the Queſtion, Whether we ſhall *defend* our ſelves at *home*, or *invade* our *Neighbours* and deareſt Brethren? This alſo were *unchriſtian* and *unreaſonable*. But this is the Queſtion, Whether it be *Wiſdom* and *Piety* to keep our ſelves within the Borders till our *Throats* be cut, and our Religion, Laws, and Country *deſtroyed*? Or, ſhall we beſtir our ſelves, and ſeek our *ſafeguard*, *peace*, and *liberty* in *England*; whether we ſhall *do* or *die*, whether we ſhall *go* and *live*, or *abide* and *periſh*? Or more largely to expreſs all, Whether we who are not a few *private perſons*, but a whole Kingdom, ſhall lie under the *burden* of ſo many *accuſations*, as ſcarcely in the *worſt times* have been charged againſt Chriſtians, receive the Service Book, and the whole body of Popery, embrace the Prelates and their abjured Hierarchy, renounce our ſolemn Oath and Covenant, ſo many times ſworn by us, loſe all our labour and pains in this Cauſe, and forget our former *ſlavery* and wonted deſires of *redemption* at the deareſt rate; tickle the minds of our enemies with *joy*, and ſtrengthen their hands with *violence*, and fill the *hearts* of our Friends with *ſorrow*, and their *faces* with *ſhame* becauſe of us; *deſert* and *diſhonour* the Son of *God*, whoſe Cauſe we have undertaken, whoſe *Banner* we have *diſplayed*, and whoſe *truth* and *power* hath been this time paſt more comfortable to us, than all the *peace* and *proſperity* of the world could have rendered, and draw upon our ſelves all the *Judgments* which *God* hath executed upon Apoſtates ſince the beginning, and ſhall we fold our hands, and wait for the perfect *ſlavery* of our ſelves and our Poſterity, in our *Souls*, *Bodies*, and *Eſtates*, and (which is all one) fooliſhly to ſtand to our *defence* where we know it is impoſſible? Or ſhall we ſeek our relief in following the Calling of *God* (for our *neceſſity* can be interpreted no leſs) and entring by the *door* which his *Providence* hath opened unto us, when all ways are ſtopped beſide. Our Enemies at firſt did ſhroud themſelves ſo far under the Kings Authority, that they behooved to ſtand or fall together, and that to Cenſure them was Treaſon againſt the King. Now we have ſhewn that a Kings Crown is not tied to a Prelates Mitre, and that the one may be caſt unto the ground, and the other have a greater luſtre and glory than before. Now they take themſelves to another ſtarting hole, and would have men to think that to come into *England* againſt them is to come againſt *England*, and to purſue them, although Legally, is to invade the Kingdom where they live; as if the cutting away of an Excreſcence, or the curing of an Impoſtume were the killing of the *Body*. Let them ſecure themſelves under the ſhelter of their own *Phantaſies*, but we are not ſo undiſcerning, as like mad men to run furiouſly upon ſuch as we firſt meet with and come in our way: For although it cannot be denied but the wrongs done to us, as the breaking of the late *Peace*, crying us down as Rebels and Traytors, the taking of our Ships and Goods, the Impriſoning of our Commiſſioners; the Acts of Hoſtility done by the Engliſh in our Caſtles: Had they been done by the State or Kingdom of *England*, there might have been juſt cauſes of a National quarrelling, yet ſeeing the Kingdom of *England* convened in Parliament have refuſed to contribute any Supply againſt us,

have ſhewn themſelves to be preſt with *grievances* like unto ours, and have earneſtly pleaded for redreſs and remedy, and a Declaration made that his Majeſty out of Parliament will redreſs them, which might be a cure for the grievances of particular Subjects: But National grievances require the hand of the Parliament for their cure; for preventing whereof the Parliament was broken up and diſſolved. Neither do we quarrel with the Kingdom for the Injuries which we ſuſtain, but our quarrel is only with particular men, the Enemies of both Nations: Nor can they quarrel with us, for taking order with the prevalent Faction of Papiſts and Prelates, the Authors of ſo many woes to both Nations.

Let all who love Religion and their *Liberty* joyn againſt the common Enemies, and let them be accurſed that ſhall not ſeek the preſervation of their neighbour Nation, both in Religion and Laws, as their own; as knowing that the ruine of one will prove the ruine of both. And knowing well (as having from their own Counſels diſcovered it) that the ruine of both was intended, and that it was ever their plot and purpoſe, that if they could not engage our deareſt Brethren, and neighbour Nation in a War for our *deſtruction*; then to give us ſome ill aſſured *peace*, which might bind our hands, and hold us quiet, until the yoak of bondage were more heavily and unremovably laid upon our Brethren of *England* by the help of ſuch an Army as was pretended to be gathered againſt us, rooting out the Godly people, and active ſpirits of that Nation, and all thoſe who, as good Patriots, ſtand well affected to Religion, and their juſt *Liberties*, and might be ſuſpected would dare ſtir for the defence and maintenance of either, and thereafter eaſily find ground to break again with us, when they were once aſſured that we were like to ſtand alone: And all the benefit of our *Peace* ſhould be, to be laſt *deſtroyed*.

And as we atteſt the *God* of heaven, that thoſe and no other are our *Intentions*, ſo upon the ſame greateſt atteſtation do we declare, That for atchieving thoſe ends, we ſhall neither ſpare our *pains*, *fortunes*, nor *lives*, which we know cannot be more profitably and honourably ſpent. That we ſhall not take from our Friends and Brethren from a *Thread* even to a *Shooe Latchet*, but for our own moneys, and the juſt payment: That we come amongſt them as their Friends and Brethren, very ſenſible of their by-paſt-ſufferings, and preſent dangers both in Religion and Liberties, and moſt willing to do them all the good we can, like as we certainly expect that they (from the like ſenſe of our hard condition and intolerable diſtreſs which hath forced us to come from our own Country) will joyn and concur with us in the moſt juſt and Noble ways for obtaining their and our moſt juſt deſires. And when our own *moneys* and means are ſpent, we ſhall crave nothing but upon ſufficient ſurety of payment how ſoon poſſibly it can be made, what is neceſſary for the entertainment of our Army, which we are aſſured ſo many as love Religion and the *peace* of both Kingdoms will willingly offer, as that which they know we cannot want, and in their wiſe foreſight will provide the way to furniſh neceſſaries, and to receive the *ſurety*. This courſe being kept by both ſides, will neither harm our Brethren (for they ſhall be ſatisfied to the laſt *farthing*) nor our ſelves, who look for a recompenſe from the *rich Providence* of *God*, for whoſe ſake we have hazarded the loſs of all things.

The eſcapes of ſome Souldiers (if any ſhall happen) we truſt ſhall not be imputed to us, who ſhall labour by all means to prevent them more

more *carefully*, and puniſh them more *ſeverely* than if done to our ſelves, and in our own Country. Our profeſſed Enemies the Papiſts, Prelates, with their Adherents, and the Receivers of their *Goods* and *Geir*, we conceive will be more *provident* than to refuſe us neceſſary *ſuſtentation*, when they remember what Counſel was given by them for Declaring all our *Poſſeſſions* to be *forfeited*, and to be diſpoſed of to them as well deſerving Subjects.

We ſhall demand nothing of the Kings Majeſty but the ſettling and ſecuring of the *true Religion* and *Liberties* of this Kingdom, according to the Conſtitutions and Acts of the late Aſſemblies and Parliament, and what a *juſt* Prince oweth by the Laws of *God* and the Country to his grieved Subjects, coming before him with their *humble deſires* and *ſupplications*. Our abode in *England* ſhall be no longer time than in their Parliament, our juſt *Grievances* and *Complaints* may be heard and Redreſſed, ſufficient Aſſurance given for the legal trial and *puniſhment* of the Authors of their and our *Evils*; and for Reforming and injoyning their and our Religion and Liberties in *peace*, againſt the Machinations of Romiſh contrivance acted by their degenerate Country-men. Our returning thereafter ſhall be with expedition in a peaceable and orderly way, far from all moleſtation; and we truſt the effect ſhall be againſt Papiſts, the extirpation of Popery; againſt Prelates, the Reformation of the Church; againſt Atheiſts, the flouriſhing of the Goſpel; and againſt Traitors and Firebrands, a perfect and durable *Union* and *Love* between the two Kingdoms: which He grant who knoweth our *Intentions* and *deſires*, and is able to bring them to paſs. And if any more be *required*, *God* will *reveal* it, and go *before* both Nations, and if *God* go *before* us, who will not *follow*, or refuſe to put their *necks to the work of the Lord*?

The Battel of Lutzen, 1632. *when the King of* Sweden *was ſlain, with Circumſtances preceding the ſame.*

THE King being arrived at *Naumburg* upon *Thurſday November* the firſt, (old Style) took order to have his Army lodged in the Field, Town, and Suburbs. The ſame day the King went out upon a Party, for diſcovering of the Enemy. After him, that Afternoon, went theſe three Gentlemen of the Engliſh Nation, Lieutenant-Col. *Francis Terret*, or *Terwhit*, Sergeant-Major *John Pawlet*, and Captain *Edward Fielding*; Theſe three going alone by themſelves, to a forſaken Village, where there were two ways thorow it (the King having gone the left-hand way, and they now taking the right) fell into an Ambuſh of the *Crabats*: The firſt, and the laſt named of theſe three, were taken Priſoners by two Rit-maſters of the *Crabats*: One of them, named *Potnick*, a Greek Captain. Theſe two Gentlemen, being carried Priſoners into the Imperial Leaguer, were on the day of the Battel kept Priſoners in the Rear of the Enemies Army, and after the Battel haled into *Prague* among the fleeing Imperialiſts. They were the firſt night carried into *Weiſſenfels*, where *Walenſtein* then lay in the Caſtle of it. He ſent the Count of *Pappenheim* to them, the ſame Evening; to enquire of the

King of *Swedens* Strength, Lodging, and Intentions, The moſt of the Imperial Foot lay now in, and near about this *Weiſſenfels*: Seven or eight hundred of them keeping Guard upon the Market-place. The Imperialiſts then gave out themſelves to be 50000. but it appeared to be ſpoken by a figure, and to terrifie the King: For that they were not any thing near that number.

To return to the King: His Majeſty the next day (being *Friday*) in Perſon viſited all the Avenues and Paſſes about the Town, and went out again with great Parties of Horſe, to take ſome Priſoners, by whom to learn ſomething of the Enemies. Finding that the Imperialiſts lay ſtill; and that the Paſſes, by which he ſhould have gotten to them, were both dangerous and difficult: He returned at night again, and gave order to entrench the Army before *Naumburg* towards *Weiſſenfels*. Till the Trenches could be made, the Army lay in the Field: After which, the Foot were enquartered in the Town and Suburbs, and the Horſe in the next Villages: Some two or three thouſand being only left abroad all night to watch the Trenches.

Upon *Sunday*, *November* 4. came there a *Saxon* Boor to *Naumburgh* unto the King, with a Letter in his hand, to ſhew. The Letter was written by the Count *Coloredo*, Sergeant Major-General of the Imperial Army, unto an Officer of his, that lay with his Regiment at *Querfurdt*, on the Weſtern ſide of the River *Sala*, right againſt *Hall*, and ten Engliſh miles from it. *Coloredo* had enforced this Boor to carry this Letter; And the Contents of it were to this purpoſe: That the *Generaliſſimo* had ſent the Count of *Pappenheim* to take the *Hall*-Caſtle: That his men of *Querfurdt* ſhould march up to joyn with *Pappenheim*: And that the next Morning the Imperial Army was to part from *Weiſſenfels*. This Letter ſeems to have been written upon the *Saturday* night: According to which date, it agrees rightly with *Walenſteins* diſcamping from about *Weiſſenfels*; which was indeed done upon the *Sunday*; after that *Pappenheim* was diſpatched towards *Hall*-Caſtle.

Upon this Intelligence, his Majeſty the ſame day, Duke *Bernard*, and Serjeant-Major *Kniphauſen*, being at a Council of War, the King propounded the great queſtion unto them two; Whether that in *Pappenheims* abſence, (he being gone to take in *Hall*-Caſtle) the Duke of *Fridland* alone were to be ſet upon? Duke *Bernard* was for the valiant Affirmative: That the advantage was good; and that ſeeing they knew not how how long they ſhould enjoy the opportunity of this diviſion; *Walenſtein* was preſently to be attacked. But Major *Kniphauſen* was for the ſober Negative; and that the Enemy was not to be fought withal: His reaſons were two:

Firſt, No man is to fight, but when he is apparently ſtronger than his Enemy, which the King at this time was not.

Secondly, No man is to attack a ſtronger Enemy, unleſs compelled by a preſſing and unavoidable neceſſity: That is, either to force his paſſage when he is hemmed in; or when hunger and want of Victuals conſtrain him to it, Neither of which being the Kings caſe, there was no reaſon for preſent fighting.

Theſe Reaſons ſo far prevailed with the King, that giving over all thoughts of preſent fighting, he was reſolved to have left a Garriſon in *Naumburg*, and to have marcht with his whole Army to conjoyn with the Dukes of *Saxony* and of *Lunenburg*, who deſigned to joyn their Forces to the Kings Army, being eight thouſand Horſe and Foot.

The

The King being thus reſolved, ſends Poſt unto the Elector of *Saxony*, to inform him of his purpoſes, and to lay the Plot for their uniting. The King deſired him to come to *Eilenburg*, upon the Weſt of the River *Mulda*, 14 miles Weſt of *Torgan*, where the Duke then lay with an Army of 4000 Foot, and as many Horſe: whereof 2000 Foot and 1500 Horſe were the Duke of *Lunenburgs*.

Walenſtein the ſame Sunday, drew out from *Weiſſenfels*, leaving a Captain onely with his Hundred Men, for the keeping of the Caſtle. Thence marched *Walenſtein* unto *Lutzen*, two Dutch Leagues to the Eaſt of it: where, and in the Dorps round about it, his whole Army enquartered.

The next day being Monday *Novemb.* 5. the King according to his former Reſolution, parted out of *Naumburgh*, to go towards the Duke of *Saxony*, leaving the Town and Garriſon under the Command of the *Saxon* Colonel *Vitzdum*. For the more lightneſs and expedition in his March, he commanded his Baggage to ſtay with the Garriſon ſtill in *Naumburgh*, for a day or two; being he thought but onely to have gone and joined with the Elector of *Saxony*, and then to have returned again to *Naumburgh*. He ſuppoſing withal, that *Pappenheim* being now abſent, and *Walenſteins* men not together, that he ſhould not be diſturbed in his March. About Four, before day-light (the Drums having beaten ever ſince One of the Clock) on the Monday morning he advances towards *Pegan*. The King having notice of *Walenſteins* forſaking *Weiſenfels*, ſends by the way, to take in that Caſtle. The Hundred Men that *Walenſtein* had left in it, did *Coloredo* come ſo timely to fetch off, that he had done it a very little before the *Swedes* coming.

In the middle of his March, about ten of the Clock the ſame Forenoon, came there ſome Gentlemen riding, and ſome Boors running to the King, with advice that the Imperialiſts were lying ſtill in ſeveral Dorps and Villages hard by, about *Lutzen*, without any intelligence at all of the Kings being in motion. This the King being informed of, calls preſently his High Officers to a Council of War, to adviſe what were beſt to be determined. His Majeſty even then, (and then firſt) put on the Reſolution for Fighting; openly ſpeaking it out, That he now verily ſuppoſed that God had given his Enemies into his hand. Ho! Brave Occaſion, ſays the Duke of *Saxon*—*Lawnenburg*: Now God bleſs us (ſay divers great Officers) it is a happy opportunity. And truly ſo it was; for divers Priſoners (even then brought in by the Kings Parties, and by Boors) being by the King examined whether they had any Alarm in their Quarters, of his Marching: freely confeſſed that they had none, and ſo much was evident enough, for that they were now ſurprized in their Quarters. Thus thought all the Officers: all being reſolved to fall on preſently; and indeed there was great reaſon for it: for could the Kings Army have fallen in amongſt thoſe Villages, he had given a Camiſado to ſeveral of their Quarters at once, have cut off all ſingly, for that they could never have come together, to unite their Forces, or have ſuccoured one another. This was evident.

The Gentry and Boors that brought him the intelligence, told him *Lutzen* was but hard by: which the King was in good hope of, for that he was even then in ſight of it. The Army advanced ſtoutly, and doubled their March upon it: but their Legs found it a longer way than their Eyes, it being a ſad Campagnia, full eight Engliſh miles of ground to *Lutzen*. Beſides all this, was there a filthy Paſs in the way, at a Bridge over

over a River, (where but one or two men could go over abreſt) which hindred the Army full two hours going. By this hindrance, was it even night before the Army could get within two Engliſh Miles of *Lutzen*.

This ill-favoured Paſs was within two Engliſh Miles of *Lutzen*, and in the Village that belonged to it, were there two Imperial Regiments of Horſe (one of them Crabats) enquartered. Theſe having a little notice of the Kings coming, had gotten up their Horſes, and taken up a high Hill on the other ſide of the Paſs next to *Lutzen*; they made as though they would have diſturbed the Kings paſſage, but they did not, the Kings Foot marching fairly over, with ſome Horſe amongſt them. Some of the Kings Foot were ſtill marching over, till it was dark night or within it. Thoſe that got over firſt, entertained a ſlight Skirmiſh with the Imperial Horſemen, without any loſs to the King, killing ſome 50 or 100 of them, and taking one Crabats Enſign. And now the King taking another Hill (right againſt that which the Imperialiſts poſſeſſed) he from thence let fly ſome pieces of Ordinance amongſt them, which cauſed them to take the benefit of the night, with ſome confuſion to march off in.

And here the King being ſurprized with the darkneſs, was forced to ſit down in the open Fields with his Army, himſelf lying in his Coach, as other Officers did that had them. Here lay he all night in Battalia, every Regiment lying down in the ſame order that they had marched, with their Arms by them. The Pike-men they ſtuck up their Pikes an end by them; and every Rott (that is every ſix) of Muſquetiers bringing their Muſquets to their Rott-maſter, he ſet them right up with their mouths upward, and bound them together with a piece of Match, where they ſtood ready at hand for all occaſions.

The Imperial Army was in a terrible Hubub at the Kings coming over the Paſs; for now was the Alarm ſent in hot to all the ſeveral Dorps and Quarters, even from *Lutzen* unto *Hall* and *Leipſich*. Order upon pain of Death was given, for every man of the Imperial Army, with all ſpeed poſſible, to repair towards *Lutzen*, to their Generaliſſimo. Preſently upon this began all the Regiments to draw together, ſome of which were all night upon their Marches, and ſome Horſe that Quartered very far off, being not able to reach up till 10 of the Clock the next morning. And thus (even then) did the Miſt ſo long keep off the King next morning, till his Enemies could be made ſtrong enough for him.

As every Regiment came in, ſo were they put into order, which continued all night long, as the two Engliſh Gentlemen (then Priſoners there) obſerved. About 10 at night did *Walenſtein* begin to think of the places moſt advantagious for the planting of his Ordnance; ſome of which having mounted upon the Windmill-hills, he then began to caſt up a Trench of Earth about them. All night and next morning his Dragoons and Pioneers wrought with their Spades about the High-way, and to make the Ditches or Drain by it, ſerve them for a Breſt-work to lodge their Muſquetiers in. And this was their work too, all the next miſty morning, which fatal Weather gave them alſo the more reſpite to recover their fears and wearineſs, and to fortifie themſelves againſt their unconquered Enemy. And thus was the night (the laſt night to ſome thouſands) over-paſſed.

The King now over the Paſs, had put himſelf into a neceſſity of Fighting; and being thus engaged, the ſooner he fought, the better: for that his Enemy ſhould be the leſs provided for him.

Tueſday

Tueſday (that fatal ſixth of *November*) at laſt began to draw near, and alas it came all too early. A gentle Miſt, as if fore-dooming how black a day it would be, did his good will to have kept it Night ſtill; and the Sun, as if his great eye had before hand over-read the fatality of the following day, ſeemed very loth to have begun it. But the Martial King, even forcing himſelf to awaken time, and haſten on Mortality, would needs make theſe Clocks and Larums of the Wars, his fatal Drums, to beat two hours before day-light. Arm, Arm, repair to your Colours, keep your Order, ſtand to your Arms. Theſe were the morning Summons to awaken the hearty Souldiers from a cold, a hard, and earthly Lodging. The Army was eaſie to be put in order, for that the moſt part of it had lain and ſlept in Battalia. One while was the King purpoſed to have advanced and fallen on preſently: but the War being Gods Cauſe, he would, like *David*, and himſelf, firſt ask Council of the God of Battels, and at leaſt recommend his own Cauſe unto him. The Drums having beaten the firſt march, he cauſed Prayers to be read to himſelf by his own Chaplain D. *Fabritius*; and when there were Miniſters at hand, the ſame was done through every Regiment of the Army.

The Morning proved ſo miſty, that it was not poſſible to ſee which way to march, nor where to find an Enemy to ſtrike at. And this (unluckily) ſtaid the Kings thoughts from advancing preſently. This was a Fog of advantage unto *Walenſtein*, who purpoſing but to ſtand his ground, (which by working all night about the Ditch and High-way, his Pioneers had made more troubleſom to be aſſaulted) was now reſolved that, if he muſt fight, he would there abide the firſt ſhock; and no way to ſeek the Battel, or to move towards his Adverſary.

About Eight of the Clock the Miſt brake up, and but for one miſchance in it, promiſed as fair a day as ever was ſixth of *November*. As it began to clear, the King took occaſion to encourage up his Souldiers; and going to his own Subjects firſt, he to this purpoſe beſpake them.

The Kings Oration to the *Sweeds*.

My dear Brethren, carry your ſelves bravely this day; fight valiantly, in Gods name, for your Religion, and for your King. This if you do, Gods bleſſing, and the Peoples praiſes, ſhall be your guerdon: and you for ever ſhall even be laden with an honourable and glorious memorial: nor will I forget to reward you nobly. If you play the Pultrons, I here call God to witneſs, that not a bone of you ſhall ever return again to Sweden.

To the *Germans*.

To the *German* Troops this was the Oration. *O you my Brethren, Officers, and Fellow-Souldiers of the German Nation! I here moſt earneſtly intreat and beſeech you, to make full trial of your valour this one day againſt your Enemies; fight manfully againſt them this day, both with me, and for me. Be not faint-hearted in the Battel, nor for any thing diſcouraged. Set me before your eyes, and let me be your great example.*

Theſe Orations of the Kings, being from both Nations, with a horrid clashing of their Armour, and with chearful Vows, and Acclamations, anſwered; the King as chearfully then replied: *And now, my hearts, let us on bravely againſt our Enemies: And God proſper our endeavours.* Sprightfully withal caſting his eyes towards Heaven, he with a loud voice ſent up this forcible Ejaculation, *Jeſu, Jeſu, Jeſu, Vouchſafe thou this day, to be my ſtrong helper; and give me courage this day to fight for thy glory, and the honour of thy great names ſake.*

The Kings Prayer.

His Attendance.

His Royal Perſon was that day waited upon by Duke *Francis Charles* of *Saxon-Lawenburg*, and by ſome of his Majeſties own neareſt Servants.

The

The Lord *Crailſham* alſo, Great Maſter or Marſhal of his Majeſties Houſhold, had the leading of a Body of Reformadoes, which were eſpecially commanded to wait upon the Kings own perſon. And amongſt theſe were our *Engliſh* and *Scottiſh* Gentry and Officers, whom the King had at *Schleuſing* heretofore reformed. Of this Body (which conſiſted of ſeveral Nations) were there ſtill ſeven or eight to be cloſe about the King, ready to be ſent with Orders up and down the Army; who were ſtill ſupplied by *Crailſham*. The King was that day attired, as uſually he was accuſtomed, in a plain Buff Coat, and unarmed. Some report that a tenderneſs in his ſhoulder, where a Musquet Bullet had a long time ſtuck, would not ſuffer him to endure Armour. And therefore when he was this morning deſired to put on his Corſlet, he ſaid, *The Lord was his Armour*; and refuſed it.

His Watch-word.

The Kings Watch-word, was the ſame which had been of ſo good an *Omen* before at *Leipſich*, **Gott mit uns**, *God with us.* The General *Walenſteins* being now the ſame which *Tillies* then was, *Jeſus Maria.* This was the Kings order of embattailing his whole Army, which now (after he had left ſome at *Naumburgh*, and at *Weiſenfels*, was between 17 and 18000 men) he divided into two Fronts; and each of theſe into the Wings and Battel, with their Reſerves. Each of the Wings was compoſed of ſix ſeveral Regiments or Squadrons of Horſe, lined with five ſeveral Bodies of commanded Muſquetiers; every one of which Bodies had two ſmall Drakes or Field-Pieces, which advanced playing ſtill before them. The Battel in each Front, conſiſted of four Brigades of Foot, a Reſerve of Front, and a Reſerve of Horſe hindmoſt of all, betwixt the two middle Brigades of the Reer, or ſecond Front. Before each Brigade marched ſix Pieces of greater Ordnance. And this was the firſt ſight of the Figure.

His Order.

The Right Wing was led by the King himſelf; the firſt Brigade Bodies of Commanded Muſquetiers, were commanded by the Count of *Eberſtein.* The Horſe Squadrons of the Left Wing were committed unto the Glory of the Day, Duke *Bernard* of *Saxon-Weymar.* The five Bodies of Foot in the Left Wing, were the charge of the Colonel *Gerſdorff.* The Battel made up of the four Brigades of Foot, was commanded to the Swediſh Count of *Neeles*, Colonel of the Kings Life-guards. The four Foot Brigades of the ſecond Front, or Reer, were commanded by *Dodo Kniphauſen*, Serjeant Major General of the whole Army, to whoſe fair Conduct the Victory is alſo much beholden. The Horſe of the Right Wing were entruſted to Colonel *Claus Conrade Zorn* of *Bulach*, by which name of *Bulach* he is commonly known. The Horſe of the Left Wing were committed to Prince *Erneſt* of *Anhalt.* The Reſerve of Foot was commanded by Colonel *John Henderſon* a Scottiſh Gentleman: and the Reſerve of Horſe by Col. *Oeme* of the *Palatinate.*

Walenſteins Order.

The Imperial Army had his Excellency the Generaliſſimo thus ordered. He firſt drew it all up into one mighty Front: which he then divided into three Bodies. His Right Wing of Horſe (whoſe end was near the Town of *Lutzen*) was committed to the Count *Ridolfo Coloredo*, that day Serjeant Major General of the Army. This Wing had alſo its Commanded Muſquetiers, beſides ſome others that were lodged in the Gardens by the Town aforeſaid. This Wing having alſo the advantage of the Windmills, and their Hills, by the Town ſide, made uſe of thoſe Natural Batteries for the planting of nine Pieces of Ordnance; the Mills and Millers

Houſe

Houſe ſerving them alſo for a good ſhelter. The Battle or middle Ward, was commanded by the Duke of *Fridland* himſelf, whoſe place was ſaid to be in the head of that great Regiment of *Piccolominies* Horſe, which was in the very middle of the Foot Regiments. The left Wing oppoſite to the right Wing, was led by Colonel *Hendrick Holck*, newly made Lieutenant-Felt-Marſhal unto *Pappenheim*, who but commanmanded untill Felt-Marſhal *Pappenheim* ſhould be come into the Field.

The Figure deſcribed.

All this Imperial Order of Embattailing, is preſented in one mighty Front; ſo namely, as it appeared to the Kings people, and to him that took the Figure of it: ſince (very largely) Cut and Imprinted in Copper, by *John Jacob Gabler of Leipſich*; who alſo by the Kings own directions, after the Battle at *Leipſich*, made a deſcription laſt year, and ſet forth the Figures of the Battle of *Leipſich*. And the manner of the ſame Figures of the Battle of *Leipſich*, we have in have in this alſo followed. We know that betwixt every Brigade of Foot, there ſhould be ſo much room left, as that another Brigade might advance up in the diſtance between them being the breadth of one of them.

Having thus deſcribed the Order, the Field of the Battle would next be conſidered of. The King had a North-Eaſterly march of it, from *Naumburgh* towards *Lutzen*; ſo that the riſing of the Sun was ſomething within a while favourable. The Wind alſo (that little that was) blew fairly for him; ſo that the King very joyfully ſpake it, *I thank God I have both Wind and Sun to favour me.*

The Country was a goodly vaſt Level and Campaign as Corn Lands could be, even as far almoſt as the Eye could rove over. And yet was the place of Battle ſubject to as many accidents (and *Walenſtein* was Maſter of them all) as a plain Country almoſt could be. The King right in his way of advancing, had a wet Ditch (made by hand) called the *Floſſgraben*, cut traverſe to him, ſo that he was fain to edge about to the Right with his whole Army, to paſs by it; and then to edge as much to the Left again, to put himſelf right before the Enemy. The Imperial Army was embatled all along beyond a broad High-way, which led from *Lutzen* unto *Leipſich*. On this ſide of this, was there a kind of a broad Drain, or a Ditch, which ſerved for bounding and ſaving the Plowed Lands, and to keep withall the High-way the drier. This had *Walenſteins* Pioneers beſtowed ſome coſt upon: ſo that putting ſome Commanded Muſquetiers down into it, it ſerved them as well as a Trench or Breſt-work. This was ſo troubleſom for the Kings Horſmen, that many of them were overturned and left behind, in the getting over to charge *Walenſtein*; for indeed there were divers Gaps through it, which the Horſe juſtling for, overturned one another. The ground alſo, behind the Ditch, had two little riſings, and thoſe did *Walenſtein* make choice of, for the planting of ſome Pieces. That part of the High-way alſo towards *Lutzen*, had an old Trench or dry Ditch drawn to it, which being nothing of it ſelf, but a Boundary for Lands; that alſo did *Walenſtein* put Muſquetiers into, which ſerved them like the High-way Ditch, for a Parapet or Breſt-Work. A pretty diſtance beyond the High-way, near unto the Town of *Lutzen*, were there three or four Windmills, amongſt which, another Party ſtood. Behind theſe had *Walenſtein* lodged ſome Muſquetiers, and the Mill-hills ſerved as natural Batteries for him to plant nine Pieces of Ordnance upon. Between the Mills and the Town, were there divers Gardens with Mud-walls round about them; and in theſe alſo (in one of them three hundred being after found dead) had he cauſed

Muſquetiers to be placed. *Leipſich* High-way, as it went ſloping along, ſo had he cauſed his men to bend and hang towards it.

And now to the Action. The Sun having by nine of the Clock clearly diſpelled the Fog, it proved as promiſing a morning as ever was ſixth of *November*. And now the King ſhot his looſing or Warning-piece; and ſo advanced.

The King advances.

Being paſſed the the *Floſs-graben*, he left alſo the Dorp of *Churſitz* behind him: betwixt which and his Army, he left his Coach and his Ammunition Wagons, of which there were not above 100 at moſt, the King having left the reſt at *Naumburgh*, with no purpoſe of fighting. The King advanced, till he came with the end of his right Wing within Muſquet-ſhot of a little Wood: having all the way a full view of the Imperial Army.

That *Walenſtein* much over-powered the King in number, may appear by the mighty long Front that he put out, near two Engliſh miles from one Wings end to the other. This is alſo to be conſidered, that *Walenſteins* Diſcipline is to march ten deep in a File; whereas the King was no more but ſix deep of Foot, (I mean) and of the Horſe but three or four deep, according as the Brigades were either ſtronger or weaker. Beſides this, that *Walenſteins* Files were all the way almoſt as deep again; his Ranks alſo were in Front ſo much longer, that the King was fain to ſend for *Bulach*, and all the Squadrons of Horſe, from the right Wing of the Reer, or ſecond Front, to imp out his Feathers at the end of the right Wing, for fear that *Walenſtein* ſhould ſurround him. Theſe Squadrons, when General Major *Kniphauſen* found out of their places, he ſent a Gentleman to his Majeſty, to know whether he had otherwiſe imployed them. The King was at the ſame time likewiſe ſending the Duke of *Saxon-Lawenburg* unto *Kniphauſen*, to tell him that he would but uſe them in that firſt Charge, and then return them back again to their Order. The Duke meeting with the Gentleman, and telling him thus much, both then returned to their places.

The King wondred not a little at it, when he ſaw how fair a Clew *Walenſtein* ſpread; affirming to thoſe about him, That if he had any Seconds behind his firſt Front, he could not judge him to be leſs than 30000.

True it is indeed, that *Walenſtein* had given out *Proviant* Commiſſions for 40000. and ſometimes for 50000. Men; but yet had he not ſo many fighting Men, for that there were at leaſt 10000 Women, Servants, and Children, and ſuch Hangbies belonging to the Army, which are to be diſcounted. Beſides this, it is to be conſidered, that *Walenſtein* had but one Front, and the King two. So that we may well allow *Walenſtein* to be 20000 in the firſt Front, at the very firſt ordering of the Battle. After which accounting thoſe that were ſtill coming in, even till 10 a Clock, and *Papenheims* Horſe and Dragoons, which came in about One or Two of the Clock; and his Foot, (who, as was thought made the ſecond fierce Charge towards night,) and then (doubtleſs) theſe could not be fewer than 10 or 12000 which made up in all 30000 fighting men.

The Armies being come within Cannon-ſhot, the great Ordnance began to play one upon another terribly. The Air roar'd, and the Earth trembled, and thoſe manly hearts that feared not dying, were yet very loth to have no more play for their lives, than to be beaten to pieces with the Bullet of a Cannon. And here had *Walenſtein*, ſurely, a great advantage over the Kings Army: for his Ordnance being all ready, planted upon ſteddy and fixt Batterjes, the Cannoneers traverſed their

their Pieces, and delivered their Bullets with more aim than the Kings men could poſſibly, who gave fire in motion ſtill, and advancing. His Majeſties Cannon, ever as a Piece was diſcharged, was there left to be brought after; the Army ſtill advancing, and marching away from it. The King liked not this ſport, for that the Imperial Cannon did his men far more ſpoil and execution, than he poſſibly could again return them. Seeing therefore no good to be done this way, he cauſes his Army to advance upon the very mouth of the Cannon, and to charge towards the High-way, and to beat out thoſe Muſquetiers that were lodged in it.

The Imperial Army ſtood their ground all this time, expecting that the fierceneſs of their Enemies Charge, would indifferently well be abated by that time they had beaten out thoſe Muſquetiers, and had put themſelves out of Order and Breath, with ſcrambling over the Ditches. And indeed the place being almoſt mans height, many of the Kings Horſemen were there left tumbling up and down; but of the reſt that got over, this was the order of their Charge: The Commanded Muſquetiers, and the Foot of the *Swedes* Brigade having cleared the High-way. The whole Front advanced to charge together.

The Order of the firſt Charge.

This whileſt they were doing, the little Drakes or Field-Pieces (two of which marched before every body of Muſquetiers that lined the Horſe of the Wings) were firſt fired, and the Muſquetiers at the ſame time giving their firſt *Salve*, the Horſe then charged home upon the Imperial Horſe, by the Drakes and Muſquetiers, ſomething before diſordered. This Order was held in the firſt Charge by the whole Front of the Army.

But I muſt now leave the Battle and left Wing engaged, to ſpeak of the Right Wing: Firſt, where the King in perſon commanded.

The Kings Speech of the Imperial Curiaſiers.

The King at his firſt advancing, having obſerved whereabouts in the Imperial left Wing (now oppoſite to him) the Crabats were marſhalled; and where the Curiaſiers, who were compleatly armed in black Harneſs Cap-a-Pee, he calls the *Finniſh* Colonel *Stolhauſhe* to him, (as 'tis likely he did other Colonels, as he rode along) and pointing to the Enemy, *As for thoſe Fellows* (meaning the Crabats) *I care not for them*, ſays the King, *but Charge me thoſe black Fellows ſoundly, for they are the men that will undo us.* Thus much did *Stolhauſhe* himſelf oftentimes (and at Table) relate unto divers Gentlemen of the *Engliſh* and *Scottiſh* Nation; ſome of which tell the Kings words from *Stolhauſhes* mouth, this way; *Charge me thoſe black Fellows ſoundly, for 'tis propheſied they ſhall be the ruine of me.* But this word Propheſie, others confeſs that they heard not.

The Couragiouſneſs of the King.

The King was deſigned to fight, at the head of the *Smolanders* Squadron, himſelf was ſtill the foremoſt, with his Piſtol in one hand, and his Sword in the other. The *Oſtro Goths*, or the *Uplanders* did now advance and charge the Enemy. Perchance theſe three now got the ſtart, and were ſomething more forward than the three Squadrons of the *Ingermanlanders*; the *Weſt Goths*, and the *Finlanders*, towards the end of the Wing.

Theſe three Squadrons, indeed, fell not on at the ſame place with the King, but advanced directly upon the Faces of thoſe three Imperial Regiments of Curiaſiers. Nor were they blamed after the Battle for any ſlackneſs, or not charging: For that the King (as we told you) had ordered *Stolhauſhe* to charge theſe Curiaſiers foundly. And as for

Bulach, and thoſe Squadrons of his, now placed to the right hand of *Stolhauſhe* and his *Fins*, they were in the very beginning of the Encounter ſo diverted, that they could not charge right forward, as the King expected. And for that, this is the true Reaſon. That Regiment of Crabats in the very end of the Imperial left Wing, did in the very beginning of the Charge, wheel about betwixt the Wood and the end of the Kings right Wing, and there endeavour to fall upon the Swediſh Ammunition Wagons in the Reer of the Army. Theſe Crabats would have made a foul pudder among the Ammunition, and have blown up moſt of the Powder doubtleſs, had not *Bulach* had an eye of them. He giving a home Charge upon them, beat them off from the Wagons for the preſent, but the Swediſh Colonel facing about, to return to his own place again, was by the Crabats charged upon the Croops, and put to ſome diſorder. And this Diſarray is eaſie enough to be believed, for that the manner of the Crabats fighting, being but for a ſpurt, and in no good order: whoſoever will anſwer their Charge, muſt neceſſarily do it in diſorder too, or elſe they cannot follow the Crabats, to do any good upon them. And juſt now fell the Miſt again, which did this good in that part of the Battel, that this diſorder among the Swediſh Horſe was not diſcerned, and ſo no advantage taken of it.

The Crabats wheeling about upon the Kings Wagons.

Are beaten off by *Bulach*.

In this *interim*, yea, at this inſtant, it is ſaid the King was ſlain, it being 11 of the Clock when the Miſt fell again.

All this while are the Imperialiſts Maſters of the Kings Body, and of the Ground they had beaten the *Swedes* from. They had the King in their poſſeſſion, and there they ſtript him, every man being greedy to get ſome part of his Spoils, that they might hereafter glory to have taken it from the King of *Sweden*.

Several Reports there went abroad the Army, of the Circumſtances of his manner of dying, ſome relating it one way, and ſome another; but all with ſorrow agree he was ſlain.

The Noiſe of the Kings death was preſently diſperſed abroad; but yet belief was not fully given to it, for that ſome Priſoners affirmed he was but hurt, and carried in a cloſe Coach, following his white Enſign. The Swediſh Priſoners that reported him to be but wounded, were thoſe that were taken ſo ſoon as ever he offered to retreat. But that they ſaid he was carried off in his Coach, *&c.* was their judgment, that being wounded, it was likely he would go off in his Coach, which at firſt ſtood behind the White Regiment, but was gone out of the Field when the Crabats fell upon the Kings Waggons.

The Kings death concealed from his own Army.

His death was not certainly known, but to ſome few of the Great Ones, (no not to thoſe of his own Wing) for 24 hours after: all believing what was, either by Art or Errour, given out, how that he was but carried off wounded.

Return we now into the Battel, and to the right Wing again. The Miſt that we before told you of, was not (by their own ſide) judged to be any way prejudicial, but advantagious rather unto the Swediſh; ſeeing that the Imperialiſts, who had now the better of it, were by the falling of this Miſt ſo arreſted, as that they purſued not the Retreat which they had put the Sweediſh unto. The Rumour likewiſe of the Kings death, made them ſo to clutter about the Body, that alſo ſtaid them.

All this while were the four Foot Brigades of the Swediſh Battel, pell-mell at it: And they (even by my *Spaniards* confeſſion) got ground apace

apace of thoſe Imperialiſts whom they had attacked. And now alſo did *Stolhauſſe* (who certainly had an *Item* given him of the Kings death, or great danger) charge ſo fiercely towards that very place, that he beat off the Imperialiſts, and recovered the Body; which he brought off naked, after it had been a full quarter of an hour in the Enemies poſſeſſion. And now was *Piccolomines* Regiment ſoundly peppered: The *Swediſh* both Foot and Horſe, after an hours fight, beating all the Imperialiſts along before them, till they had driven them to the very Gallows behind them. And now did the *Swediſh* get poſſeſſion of thoſe ſeven Pieces of Ordnance of *Piccolomines*. Theſe Ordnance were the eaſier to be taken, for that they plaid not; *Walenſteins* Powder-Waggons were by miſchance blown up, ſo that his Cannon were ſcarce heard of all the day after.

And thus ended the ſecond Charge: For by this time was the Miſt become ſo extraordinary, and by the ſmoak ſo thickened, as the *Swedes* could not ſee how to purſue their advantage; and here was the Miſt become as beneficial to the Imperialiſts, as it had been favourable before unto the Swediſh. In this time fell there ſo terrible an affrightment in the Imperial Army, that 1000, or 1500 Dutch Horſe ran all away togegether. One of them was by a Gentleman of our Nation (then Priſoner in their Rear) over-heard to ſay: *Oh I know the King of* Sweden *well enough, I have ſerved him; he is beſt at the latter end of the day.* But the chief fright was among the Ladies, the Captains Wives, and other Women, then behind the Army. Many Gentlewomen got out of their Coaches, cut aſunder the Harneſs, and mounted ſtradlings upon the bare horſe backs, and away they ſpudded among the Souldiers. Now went the Waggon-horſes and the Ordnance-horſes to it, all were ridden away with, divers Women and Children were there trodden to death: Nor would the Horſemen turn head, notwithſtanding they heard the Charge preſently again renewed, and thoſe about the Mills all this time at it, Till they were gotten over a Paſs, four or five Engliſh Miles from the place of Battel. The fright ſo purſued them, though no body elſe did, That coming to this Paſs, the Officers drew out their Swords, and ſlaſht and beat off the Souldiers to give them way to get over. There were at leaſt four or five thouſand People of them, and they quartered themſelves confuſedly up and down in the Villages which the Boors had forſaken: Nor durſt they ever return into the Battel. Amongſt theſe was my Author carried away: From whom I learned it.

After a little pauſe, the Count of *Pappenheim*, with his Horſe and Dragoons, arrived; whom ſome will needs have to have been in perſon at the beginning of the Battel. By his coming was the Charge thereabouts renewed. He put himſelf into the Imperial left Wing, (which was moſt diſtreſſed, and which had been reſerved for him:) to be oppoſite to the Swediſh right Wing; where he ſuppoſed the King in Perſon had commanded. Juſt as he was ordering his Horſe, he was ſtruck with a Bullet of a Falconet, or ſmall Sling-piece, about the ſhoulder, of which he died preſently: Even ſo ſoon as he was taken down from his horſe, to have been carried into *Leipſich*. This was a brave fighting Gentleman, whoſe body was by *Walenſtein* carried into *Prague*; where it was to be ſeen publickly. The Emperour (as a little French Relation affirmeth) had newly ſent the Collar of the Golden Fleece unto him and *Walenſtein:* Which honour before ever he received, he was, in the place where he ſhould have worn his Order, thus dubbed with a Sling-piece.

He

He had made his Will a little before: Had Shriven himſelf, and Communicated at a dry Maſs: And made this ſhort Teſtament upon it. His Soul, he commended to God, his Body (if he were ſlain) to the Emperour; and his Wife and Children unto *Walenſtein.*

He being ſhort, his Officers, flocking about him, were heard to cry, *Oh! our General is ſlain*: Immediately whereupon his Horſe turned head, and ran out of the Battel without ſtroke ſtriking, back again towards the *Weſer*, and the Lower *Saxony.*

But the *Walenſteiners*, whom *Pappenheims* coming had ſet on, fell to it cloſely: *Piccolomini* advanced, and *Terſica* with their Cavalry; and the Foot Regiments ſeconded them with extremity of reſolution. And now began the ſoreſt, the longeſt, and the obſtinateſt Conflict, that had been ſince the King was killed. The Charge was ſuſtained by the Swediſh, with much gallantry, and never was Battel better fought: Nor ſeldom have Battalions ever ſtood, amongſt whom ſo much ſpoyl hath been committed. Full two hours were they in hot Battel. On the Imperial ſide was *Piccolomini* twice or thrice ſhot; Sergeant Major *Bruner* ſlain, and ſo was a young Count of *Wallenſtein.* The Abbot *Fulda* was at this Charge alſo ſlain. And think then how many Officers and Common Souldiers was it likely that theſe great Commanders did take along to wait upon them to the next world.

On the *Swedes* ſide, the chief of the ſpoyl light upon the two middlemoſt Brigades of Foot belonging unto Grave *Neels*, and Collonel *Winckle*: The Imperialiſts charged with ſo much fury, and with Battalions of two or three thouſand in a Regiment, that they by force drove the Swediſh to the retreat in the plain field, and (as the moſt ſay) even then recovered their ſeven Pieces of Ordnance. Grave *Neeles*, Colonel of the Life-guards (which is the Yellow Regiment) was there ſhot a little above the knee, of which, being carried off ſpoyled, he after died. Out of this Brigade, did the Imperialiſts carry away ſeven Colours, and to tell the truth, the Kings own Company, which ſerved here among the Guards, loſt their own Enſign or Standard Royal too. He that had carried the Colours was after ſeen with his Sword in his hand, but his Clout was miſſing.

Colonel *Winckles* Blue Regiment likewiſe found as hard treatment. Himſelf (brave man) was ſhot in the Arm a little above the Elbow, and in the hand, and carried out of the Battel. His Lieutenant, *Caſpar Wolff*, was ſlain upon the place, and moſt of his Colours taken. Theſe two Brigades were of the flower of the Army; old Souldiers of ſeven or eight years ſervice, (the moſt of them) and whom the King had there placed, for that he moſt relied on them. Theſe old Blades ſtood to their Arms ſtoutly; and the adverſe Writers confeſs, that their dead bodies now recovered the ſame ground, which living they had defended. Theſe were old beaten Souldiers indeed, but it was ſo long ſince they had been laſt beaten, that they had by this time forgotten to run away. This is the reaſon they were ſo ſhattered; that when, towards night, they were to have faln on again, both theſe Brigades put together, could not make one Squadron ſtrong, which is but the third part of one of them.

The *Swedes* Brigade fared ſomething better, becauſe near unto the Horſe: And yet there came not above four hundred off, alive or unwounded. Duke *Bernards* Brigade was ſomething more out of Gunſhot, for that they were next the Horſe of the left Wing. Yet here was Colonel *Wildeſtein* ſhot in the Breſt, of which he after died: Duke

Bernard

Bernard, Lieutenant Col. *Winkler* being ſlain upon the place. In this ſore bickering, the ſpoyl, on the Imperial ſide, fell moſtly upon old *Bruners* and young *Walenſteins* Regiments, both which were here killed; with full half, if not two thirds of the Souldiers. Theſe Regiments performed their duties ſo valiantly, and *Walenſtein* himſelf took ſuch ſpecial notice of them, that he a long time after (if not ſtill) maintained them in his own houſe at *Prague* for it. *Henderſons* Reſerve of Foot in the mean time had alſo their ſhare in the knocking: One of the Offices and uſes of the Reſerve, being ſtill to ſupply and ſecond where moſt need is; with freſh men to dearn up the holes, and ſtop up the gaps of the ſlaughtered. And whereas thoſe four Brigades of the Van had ſo terribly been ſhattered, General-Major *Kniphauſen* had out of his care ſent up theſe two Brigades of the Count of *Thurn*, and the Colonel *Mitzlaff* to relieve them. After a while he ſent them up thoſe four Squadrons of Horſe, who ſo well (altogether) reſtored the encounter, that the Imperialiſts began to give ground; which the *Swedes* ſo far purſued, till they had recovered the ſeven Pieces again, and four others at the left hand of them.

Look we now aſide, to ſee what was done in the Reer, and left Wing, by *Kniphauſen* and Duke *Bernard*. General Major *Kniphauſen* having ſent two Brigades of his four, and four Squadrons of Horſe to the relief of the Vantguard, ſent alſo his other two Horſe Squadrons, commanded by the Prince of *Anhalt*, and the Lieutenant of Baron *Hoffkirch*, unto Duke *Bernard*. As for the other two Brigades of Foot, (his own and *Boſens*) together with *Oems* his Reſerve of Horſe, theſe did *Kniphauſen* ſtill keep by him in the Reer of the Battel.

Duke *Bernard* had as hard a Chapter of it, as any man againſt the Imperialiſts right Wing, at the Wind-Mills, and (ſurely) had the moſt renowned *Don Quixot* been there, there had been exerciſe enough for his valour at theſe Wind-Mills. Soberly, This was the hardeſt Poſt for advantage of ſituation, all the field over: And Count *Coloredo* as well maintained it againſt him. Never man did more gallantly behave himſelf (avoucht it) that firſt and laſt, in this and other places, he charged ſeveral times, one after another. And *Coloredo* gave Duke *Bernard* leave to charge all: He had ſo good an advantage of the two Ditches and the Wind-Mills, that he would not ſcarce offer upon Duke *Bernard*.

The brave young Duke, preſſing on in the beginning of the fight, had ſet the Town of *Lutzen* on fire: His Reaſon being, that ſeeing if he would get the Wind-Mills, he muſt with the end of his Wing even touch (as it were) the very Walls of the Town. Should *Coloredo*, then, have firſt filled thoſe Walls with Musketteers, they muſt needs have ſo ſorely galled his Horſemen, that there had been no coming near: Nor could Horſe and Piſtols have done any ſervice againſt Walls and Musketteers. In one of theſe Charges, did *Coloredo* ſo Thunder upon Duke *Bernard*, that the valiant Prince thought it not unſouldier-like done to ſhelter himſelf behind the Millers houſe.

At this time (as we told you) did Major *Kniphauſen* keep his two Brigades, and *Oems* his Reſerve, together un-engaged: Doing no more with them, than fair and ſoftly advance them towards the Enemy; at ſuch a time as he ſaw the Brigades of the Van to get any ground of them. The diſtance of his Reer from Front was about ſix hundred paces; and that ſcantling he ſtill kept himſelf behind the other. This was no ſmall occaſion of the winning of the Battel: Seeing that ſo often as any of the

Van

Van were disordered, and put to the retreat; they with him, still find a whole great Body together, unbroken, by the sight of which they resumed new courage, and were set in order again.

And very glad was Duke *Bernard* when, in the next breaking up of the Mist, he came and found *Kniphausen* in so good order; whom (as he openly professed) he feared to have found all to pieces. For now, betwixt three and four of the Clock (which was not long before Sun-set), did the Mist break up; and there was a fair half hour after it. At which time Duke *Bernard* going abroad, to over-view the posture and countenance of the Army: (which since his hearing of the Kings death, the Mist and smoak had not suffered him to discover any thing of) he came now along by the Battel unto the right Wing, speaking to the Officers and Souldiers, and encouraging them to a new on-set; plainly he found the whole Army (except *Kniphausens* part) in no very good order; which he and *Kniphausen* (who took much good pains likewise about it) did their best to reduce them to. When the word was given for a new Charge, *Alas Comrade*, (said the poor Souldiers one to another) *must we fall on again? Come*, says the other, (embracing him) *Courage; if we must, let us do it bravely, and make a day on't.* As Duke *Bernard* was leading on, the Imperial Generalissimo sent his two Colonels, *Persica* and *Piccolomini*, to discover in that clear weather what the *Swedes* were a doing: Who brought his Excellency word again, that they were rallied about the Wood, and in very good order advancing towards him.

This (no doubt) made the Imperialists hearts quake to think upon the terrour of a fourth Charge. And now could the *Swedes* discover the Imperial Horse, retreating in indifferent good order towards the Wind-Mills: Whereupon they bringing forwards ten Pieces of Cannon, and turning those likewise upon them, which were before taken, they gave the Imperial Horse such a rousing *Salve* of great Ordnance, and charged so upon it, that they put them into disorder. And here (as my Spanish Relator says) did the Generalissimo light upon a slight fillip by a favourable Musket Bullet, which made no wound, but left a blew remembrance only upon him.

And now were the Imperialists beaten round about, even to the very Wind-Mills, the *Swedes* being Masters of the ground that they shouldered the others out of. But just now, a little before Sun-set, fell the fatal Mist again; which so hastened on the night, that the *Swedes* could not well see which way to pursue their Enemies. Duke *Bernard*, in his coming back, was thus heard to say, *Merciful God! but for this Mist, we had even now gotten the victory.* Hence went he back again over all the Batallions, to his own Post again, towards which he now perceived the Imperialists to be making.

And now by Sun-setting was all the Field clear of the Imperialists, excepting only about the Windmills: And there plainly were both *Coloredoes* and Duke *Bernards* men, faln off one from another, like two Duellers leaning on their Swords to break breath again. Certainly, they had so banged one another, that neither of both were in order: But either Party shot at adventure right forward, and let the Bullet find his own way, as it could, through that night of smoak and mistiness. Those Musketiers which (we told you) were lodged in the mud-walled Gardens, were seen to give fire continually, but no men to be discerned. And the *Swedes* at adventure shot at them again: And as at night

night they got ground, they ſtormed into the Gardens; as if they had been ſo many Caſtles. Here the next day many were found dead, 300 in one of them.

And juſt in the edge of the Evening, when the Swediſh well hoped all had been finiſhed, had Duke *Bernard* freſh word brought him, that *Pappenheims* Foot were even now arrived from *Hall*, and were beginning a freſh Charge, about the Wind-Mills. Thus ran the word over the Army, *Pappenheims Foot are come*, *Pappenheims Foot are come*. This the Swediſh believed.

Now was all the Service (after half an hours ſilence on both ſides) turned into the Wind-Mills. The Imperialiſts courage, like the throws of a dying body, ſtruggled hard at the laſt caſt, for life; and made, for the time, as fierce a Charge of it, as any had the day before paſſed. To withſtand this now, does *Kniphauſen* bring his ſecond freſh Brigades; with whom are the other two of *Thurns* and *Mitzlaffs* conjoyned, that he had before ſent to the relief of the Vantguard; which indeed, had not ſo cruelly been ſhattered. Now alſo Duke *Bernard*, rallying all the Horſe together, advanced to the Charge. The Imperialiſts had a new put down ſome Musketiers into the croſs Ditch or Boundary of Lands, which not a little troubled the Swediſh. Once or twice did they offer to force that Trench, and to ſtorm over it: But it was ſo troubleſom and dangerous in the dark, that they did but over-tumble one another, and were fain to keep on the other ſide of it, to bring on ſome Musketiers, and from thence to give their Volleys. The beſt of it was, that it was not above 100 paces diſtant from the High-way, cloſe behind which the Imperialiſts were ranged. That which moſt galled the Imperialiſts, was the Swediſh Ordnance, which on the right-hand Flank of them, and on the nearer ſide of the High-way, were now turned upon them. This moſt cruel and hot fight continued till about five a Clock in the Evening, much about which time the *Walſteiners*, or *Pappenheimers*, or both together, fell off in the dark, and gave it quite over.

A Decree of Star-Chamber concerning Printing, made the Eleventh day of July laſt paſt, 1637.

In camera Stellata coram Concilio ibidem, undecimo die *Julii*, Anno decimo tertio *Caroli* Regis.

THis day Sir John Bankes *Knight, his Majeſties Attourney General, produced in Court a Decree drawn and penned by the advice of the Right Honourable the* Lord Keeper *of the Great Seal of* England, *the moſt Reverend Father in God the Lord* Arch-Biſhop of Canterbury his Grace, *the Right Reverend Father in God the Lord* Biſhop of London, Lord High Treaſurer of England, *the* Lord Chief Juſtices, *and the* Lord Chief Baron, *touching the regulating of Printers and Founders of Letters, whereof the Court having conſideration, the ſaid Decree was directed and ordered to be here Recorded, and to the end the ſame may be publick; and that every one whom it may concern may take notice thereof, The Court hath now alſo ordered, That the ſaid Decree ſhall ſpeedily be Printed, and that the ſame be ſent to His* Majeſties *Printer for that purpoſe. Whereas the three and twentieth day of* June, *in the eight and twentieth year of the Reign of the late Queen* Eliz. *and before, divers Decrees and Ordinances have been made for the better government and regulating of Printers and Printing, which Orders and Decrees have been found by experience to be defective in ſome particulars; And divers abuſes have ſithence ariſen, and been practiſed by the craft and malice of wicked and evil diſpoſed perſons, to the prejudice of the Publick; And divers libellous, ſeditious, and mutinous Books have been unduly printed, and other Books and Papers without Licence, to the diſturbance of the Peace of the Church and State: For prevention whereof in time to come, It is now Ordered and Decreed, That the ſaid former Decrees and Ordinances ſhall ſtand in force with theſe Additions, Explanations, and Alterations following,* viz.

I. *Imprimis*, That no Perſon or Perſons whatſoever ſhall preſume to Print, or cauſe to be Printed, either in the parts beyond the Seas, or in this Realm, or other his Majeſties Dominions, any ſeditious, Schiſmatical, or offenſive Books or Pamphlets, to the ſcandal of Religion, or the Church, or the Government, or Governours of the Church or State, or Common-wealth, or of any Corporation, or particular Perſon or Perſons whatſoever, nor ſhall import any ſuch Book or Books, nor ſell or diſpoſe of them, or any of them, nor cauſe any ſuch to be bound, ſtitched, or ſowed, upon pain that he or they ſo offending, ſhall loſe all ſuch Books and Pamphlets, and alſo have, and ſuffer ſuch correction, and ſevere puniſhment, either by Fine, Impriſonment, or other corporal puniſhment, or otherwiſe, as by this Court, or by his Majeſties Commiſſioners for Cauſes Eccleſiaſtical in the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be inflicted upon him, or them, for ſuch their offence and contempt.

II. *Item*,

II. *Item*, That no Perſon or Perſons whatſoever, ſhall at any time print or cauſe to be imprinted, any Book or Pamphlet whatſoever, unleſs the ſame Book or Pamphlet, and alſo all and every the Titles, Epiſtles, Prefaces, Proems, Preambles, Introductions, Tables, Dedications, and other matters and things whatſoever thereunto annexed, or therewith imprinted, ſhall be firſt lawfully licenſed and authorized only by ſuch Perſon and Perſons as are hereafter expreſſed, and by no other, and ſhall be alſo firſt entred into the Regiſters Book of the Company of Stationers; upon pain that every Printer offending therein, ſhall be for ever hereafter diſabled to uſe or exerciſe the Art or Myſtery of Printing, and receive ſuch further puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fitting.

III. *Item*. That all Books concerning the Common Laws of this Realm ſhall be printed by the eſpecial allowance of the Lords Chief Juſtices, and the Lord Chief Baron for the time being; or one or more of them, or by their appointment; And that all Books of Hiſtory, belonging to this State, and preſent times, or any other Book of State affairs, ſhall be licenſed by the Principal Secretaries of State, or one of them, or by their appointment; And that all Books concerning Heraldry, Titles of Honour and Arms, or otherwiſe concerning the Office of Earl Marſhal, ſhall be licenſed by the Earl Marſhal, or by his appointment; And further, that all other Books, whether of Divinity, Phyſick, Philoſophy, Poetry, or whatſoever, ſhall be allowed by the Lord Archbiſhop of *Canterbury*, or Biſhop of *London* for the time being, or by their appointment, or the Chancellours, or Vice-Chancellours of either of the Univerſities of this Realm for the time being.

Always provided, that the Chancellour or Vice-Chancellour of either of the Univerſities, ſhall Licence only ſuch Book or Books that are to be Printed within the limits of the Univerſities reſpectively, but not in *London*, or elſewhere, not medling either with Books of the Common Law, or matters of State.

IV. *Item*, That every Perſon and Perſons, which by any Decree of this Court are, or ſhall be appointed or authorized to Licence Books, or give Warrant for imprinting thereof, as is aforeſaid, ſhall have two ſeveral written Copies of the ſame Book or Books, with the Titles, Epiſtles, Prefaces, Proems, Preambles, Introductions, Tables, Dedications, and other things whatſoever thereunto annexed. One of which ſaid Copies ſhall be kept in the publick Regiſtries of the ſaid Lord Archbiſhop, and Biſhop of *London* reſpectively, or in the Office of the Chancellour, or Vice-Chancellour of either of the Univerſities, or with the Earl Marſhal, or Principal Secretaries of State, or with the Lords Chief Juſtices, or Chief Baron, of all ſuch Books as ſhall be licenſed by them reſpectively, to the end that he or they may be ſecure, that the Copy ſo licenſed by him or them ſhall not be altered without his or their privity, and the other ſhall remain with him whoſe Copy it is, and upon both the ſaid Copies, he or they that ſhall allow the ſaid Book, ſhall teſtifie under his or their hand or hands, that there is nothing in that Book or Books contained, that is contrary to Chriſtian Faith, and the Doctrine

and Diſcipline of the Church of *England*, nor againſt the State or Government, nor contrary to good life, or good manners, or otherwiſe, as the nature and ſubject of the work ſhall require; which Licenſe or Approbation ſhall be imprinted in the beginning of the ſame Book, with the name or names of him or them that ſhall authorize or licenſe the ſame, for a teſtimony of the allowance thereof.

V. *Item*, That every Merchant of Books, and Perſon and Perſons whatſoever, which doth, or hereafter ſhall buy, import, or bring any Book or Books into this Realm, from any parts beyond the Seas, ſhall before ſuch time as the ſame Book or Books, or any of them be delivered forth, or out of or their hand or hands, or expoſed to ſale, give and preſent a true Catalogue in writing of all and every ſuch Book and Books unto the Lord Archbiſhop of *Canterbury*, or Lord Biſhop of *London* for the time being, upon pain to have and ſuffer ſuch puniſhment for offending herein, as by this Court, or by the ſaid High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fitting.

VI. *Item*, That no Merchant, or other Perſon or Perſons whatſoever, which ſhall import, or bring any Book or Books into the Kingdom, from any parts beyond the Seas, ſhall preſume to open any Dry-fats, Bales, Packs, Maunds, or other Fardals of Books, or wherein Books are; nor ſhall any Searcher, Waiter, or other Officer belonging to the Cuſtom-houſe, upon pain of loſing his or their Place or Places, ſuffer the ſame to paſs, or to be delivered out of their hands or cuſtody, before ſuch time as the Lord Archbiſhop of *Canterbury*, or Lord Biſhop of *London*, or one of them for the time being, have appointed one of their Chaplains, or ſome other learned man, with the Maſter and Wardens of the Company of Stationers, or one of them, and ſuch others as they ſhall call to their aſſiſtance, to be preſent at the opening thereof, and to view the ſame: And if there ſhall happen to be found any ſeditious, ſchiſmatical, or offenſive Book or Books, they ſhall forthwith be brought unto the ſaid Lord Archbiſhop of *Canterbury*, Lord Biſhop of *London* for the time being, or one of them, or to the High Commiſſion Office, to the end that as well the Offender or Offenders may be puniſhed by the Court of Star-Chamber, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, according to his or their demerit; as alſo that ſuch further courſe and order may be taken concerning the ſame Book or Books, as ſhall be thought fitting.

VII. *Item*, That no Perſon or Perſons ſhall within this Kingdom, or elſewhere, imprint, or cauſe to be imprinted, nor ſhall import or bring in, or cauſe to be imported or brought into this Kingdom, from, or out of any other his Majeſties Dominions, nor from other, or any parts beyond the Seas, any Copy, Book or Books, or part of any Book or Books, Printed beyond the Seas, or elſewhere, which the ſaid Company of Stationers, or any other Perſon or Perſons have, or ſhall by any Letters Patents, Order, or Entrance in their Regiſter Book, or otherwiſe, have the right, priviledge, authority, or allowance ſolely to Print, nor ſhall bind, ſtitch, or put to ſale, any ſuch Book or Books, upon pain of loſs and forfeiture of all the ſaid Books, and of

ſuch

ſuch Fine, or other Puniſhment, for every Book or part of a Book ſo imprinted, or imported, bound, ſtiched, or put to ſale, to be levied of the Party ſo offending, as by the power of this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

VIII. *Item*, Every Perſon and Perſons that ſhall hereafter Print or, cauſe to be Printed, any Books, Ballads, Charts, Portraicture, or any other thing or things whatſoever, ſhall thereunto, or thereon print, and ſet his and their own name or names, as alſo the name or names of the Author or Authors, Maker or Makers of the ſame, and by, or for whom any ſuch Book, or other thing is, or ſhall be Printed, upon pain of forfeiture of all ſuch Books, Ballads, Charts, Protraictures, and other thing or things, Printed contrary to this Article; And the Preſſes, Letters, and other Inſtruments for Printing wherewith ſuch Books, Ballads, Charts, Portraictures, and other thing or things ſhall be Printed, to be defaced and made unſerviceable, and the Party and Parties ſo offending, to be fined, impriſoned, and have ſuch other corporal puniſhment, or otherwiſe, as by this Honourable Court, or the ſaid High Commiſſion reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

IX. *Item*, That no perſon or perſons whatſoever, ſhall hereafter Print, or cauſe to be Printed, or ſhall Forge, Put, or Counterfeit, in, or upon any Book or Books, the Name, Title, Mark or Vinnet of the Company or Society of Stationers, or of any particular perſon or perſons, which hath, or ſhall have lawful Priviledge, Authority, or Allowance to print the ſame, without the conſent of the ſaid Company, or Party, or Parties, that are or ſhall be ſo priviledged, authorized, or allowed to Print the ſame Book or Books, Thing or Things, firſt had and obtained, upon pain that every perſon or perſons ſo offending, ſhall not onely loſe all ſuch Books and other things, but ſhall alſo have and ſuffer ſuch puniſhment, by impriſonment of his Body, Fine, or otherwiſe, as by this Honourable Court, or High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, it ſhall be to him or them limitted or adjudged.

X. *Item*, That no Haberdaſher of Small Wares, Ironmonger, Chandler, Shop-keeper, or any other perſon or perſons whatſoever, not having been ſeven years Apprentice to the Trade of a Bookſeller, Printer, or Book-binder, ſhall within the City or Suburbs of *London*, or in any other Corporation, Market-Town, or elſewhere, receive, take, or buy, to barter, ſell again, change or do away any Bibles, Teſtaments, Pſalm-Books, Primers, Abces, Almanacks, or other Book or Books whatſoever, upon pain of forfeiture of all ſuch Books ſo received, bought or taken as aforeſaid, and ſuch other puniſhment of the Parties ſo offending, as by this Court, or the ſaid High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought meet.

XI. *Item*, For that Printing is, and for many years hath been an Art and Manufacture of this Kingdom, for the better encouraging of Printers in their honeſt, and juſt endeavours in their Profeſſion, and prevention of divers Libels, Pamphlets, and ſeditious Books Printed beyond the Seas in Engliſh, and thence tranſported hither;

It

It is further Ordered and Decreed, that no Merchant, Bookſeller, or other perſon or perſons whatſoever, ſhall imprint, or cauſe to be imprinted, in the Parts beyond the Seas, or elſewhere, nor ſhall import or bring, nor willingly aſſiſt or conſent to the importation or bringing from beyond the Seas into this Realm, any Engliſh Books, or part of Book, or Books whatſoever, which are or ſhall be, or the greater, or more part whereof is or ſhall be Engliſh, or of the Engliſh Tongue, whether the ſame Book or Books have been here formerly Printed, or not, upon pain of the forfeiture of all ſuch Engliſh Books ſo imprinted or imported, and ſuch further Cenſure and puniſhment, as by this Court, or the ſaid High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought meet.

XII. *Item*, That no Stranger or Foreigner whatſoever, be ſuffered to bring in, or vent here, any Book or Books printed beyond the Seas, in any Language whatſoever, either by themſelves or their ſecret Factors, except ſuch onely as be free Stationers of *London*, and ſuch as have brought up in that Profeſſion, and have their whole means of ſubſiſtance and livelihood depending thereupon, upon pain of Confiſcation of all ſuch Books ſo imported, and ſuch further penalties, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to beimpoſed.

XIII. *Item*, That no perſon or perſons within the City of *London*, or the Liberties thereof, or elſewhere, ſhall erect or cauſe to be erected any Preſs or Printing-houſe, nor ſhall demiſe, or let, or ſuffer to be held or uſed, any Houſe, Vault, or Celler, or other Room whatſoever, to, or by any perſon or perſons, for a Printing-houſe, or place to Print in, unleſs he or they which ſhall ſo demiſe or let the ſame, or ſuffer the ſame to be ſo uſed, ſhall firſt give notice to the ſaid Maſter and Wardens of the Company of Stationers for the time being, of ſuch demiſe, or ſuffering to Work or Print there, upon pain of impriſonment, and ſuch other puniſhment as by this Court, or the ſaid High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

XIV. *Item*, That no Joiner or Carpenter, or other perſon, ſhall make any Printing-preſs, no Smith ſhall forge any Iron-work for a Printing-preſs, and no Founder ſhall Caſt any Letters for any perſon or perſons whatſoever, neither ſhall any perſon or perſons bring, or cauſe to be brought in from any parts beyond the Seas, any Letters Founded or Caſt, nor buy any ſuch Letters for Printing; unleſs he or they reſpectively ſhall firſt acquaint the ſaid Maſter and Wardens, or ſome of them, for whom the ſame Preſs, Iron Works, or Letters are to be made, forged, or caſt, upon pain of ſuch Fine and Puniſhment, as this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall think fit.

XV. *Item*, The Court doth declare, that as formerly ſo now, there ſhall be but Twenty Maſter Printers allowed to have the uſe of one Preſs or more, as is after ſpecified, and doth hereby nominate, allow, and admit theſe perſons whoſe names hereafter follow, to the number of Twenty, to have the uſe of a Preſs, or Preſſes and Printing-houſe, for the time being, *viz. Felix Kingſton*, *Adam Iſlip*, *Thomas Purfoot*, *Miles Fleſher*,

Fleſher, Thomas Harper, John Beal, John Legat, Robert Young, John Haviland, George Miller, Richard Badger, Thomas Cotes, Bernard Alſop, Richard Biſhop, Edward Griffin, Thomas Purſlow, Richard Hodgkinſon, John Dawſon, John Raworth, Marmaduke Parſons. And further, the Court doth Order and Decree, That it ſhall be lawful for the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London*, for the time being, taking to him or them ſix other High Commiſſioners, to ſupply the place or places of thoſe, which are now already Printers by this Court, as they ſhall fall void by Death, or Cenſure, or otherwiſe: Provided that they exceed not the number of Twenty, beſides his Majeſties Printers, and the Printers allowed for the Univerſities.

XVI. *Item*, That every perſon or perſons, now allowed or admitted to have the uſe of a Preſs, and Printing-houſe ſhall within ten days after the date hereof, become bound with Sureties to his Majeſty in the High Commiſſion Court, in the ſum of three hundred pounds, not to Print, or ſuffer to be Printed in his Houſe or Preſs, any Book or Books whatſoever, but ſuch as ſhall from time to time be lawfully licenſed, and that the like Bond ſhall be entered into by all, and every perſon and perſons that hereafter ſhall be admitted or allowed to Print, before he or they be ſuffered to have the uſe of a Preſs.

XVII. *Item*, That no allowed Printer ſhall keep above two Preſſes, unleſs he hath been Maſter or Upper Warden of his Company, who are thereby allowed to keep three Preſſes and no more, under pain of being diſabled for ever after to keep or uſe any Preſs at all, unleſs for ſome great and ſpecial occaſion for the Publick, he or they have for a time leave of the Lord Archbiſhop of *Canterbury*, or Lord Biſhop of *London* for the time being, to have or uſe one or more, above the foreſaid number, as their Lordſhips, or either of them ſhall think fit. And whereas there are ſome Maſter Printers that have at this preſent one, or more Preſſes allowed them by this Decree, the Court doth further Order and Declare, That the Maſter and Wardens of the Company of Stationers, do forthwith certifie the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London*, what number of Preſſes each Maſter Printer hath, that their Lordſhips, or either of them, taking unto them ſix other High Commiſſioners, may take ſuch preſent order for the ſuppreſſing of the ſupernumerary Preſſes, as to their Lordſhips, or to either of them ſhall ſeem beſt.

XVIII. *Item*, That no perſon or perſons do hereafter reprint, or cauſe to be reprinted, any Book or Books whatſoever (though formerly Printed with Licence) without being reviewed, and a new Licence obtained for the Reprinting thereof. Always provided, that the Stationer or Printer be put to no other charge hereby, but the bringing and leaving of two printed Copies of the Book to be printed, as is before expreſſed of written Copies, with all ſuch Additions as the Author hath made.

XIX. *Item*, The Court doth Declare, as formerly ſo now, That no Apprentices be taken into any Printing-houſe, otherwiſe than according to this proportion following, (*viz.*) every Maſter Printer that is, or hath been Maſter or Upper Warden of his Company, may have three Apprentices

prentices at one time and no more, and every Maſter-Printer that is of the Livery of his Company, may have two Apprentices at one time and no more, and every Maſter-Printer of the Yeomanry of the Company may have one Apprentice at one time and no more, neither by Copartnerſhip, binding at the Scriveners, nor any other way whatſoever; neither ſhall it be lawful for any Maſter-Printer when any Apprentice or Apprentices ſhall run or be put away, to take another Apprentice, or other Apprentices in his or their place or places, unleſs the name or names of him or them ſo gone away, be raced out of the Hall Book, and never admitted again, upon pain of being for ever diſabled of the uſe of a Preſs or Printing-houſe, and of ſuch further puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed.

XX. *Item*, The Court doth likewiſe Declare, That becauſe a great part of the ſecret Printing in Corners, hath been cauſed for want of orderly imployment for Journeymen-Printers, Therefore the Court doth hereby require the Maſter and Wardens of the Company of Stationers, to take eſpecial care that all Journeymen-Printers, who are Free of the Company of Stationers, ſhall be ſet to work, and imployed within their own Company of Stationers; for which purpoſe the Court doth alſo Order and Declare, That if any Journeyman-Printer, and Free of the Company of Stationers, who is of honeſt and good behaviour, and able in his Trade, do want Imployment, he ſhall repair to the Maſter and Wardens of the Company of Stationers, and they or one of them, taking with him or them one or two of the Maſter-Printers, ſhall go along with the ſaid Journeyman-Printer, and ſhall offer his Service in the firſt place to the Maſter-Printer under whom he ſerved his Apprentiſhip, if he be living, and do continue an allowed Printer, or otherwiſe to any other Maſter-Printer whom the Maſter and Wardens of the ſaid Company ſhall think fit. And every Maſter-Printer ſhall be bound to imploy one Journeyman, being ſo offered to him, and more, if need ſhall ſo require; and it ſhall be ſo adjudged to come to his ſhare, according to the proportion of his Apprentices and Imployments, by the Maſter and Wardens of the Company of Stationers, although he the ſaid Maſter-Printer with his Apprentice or Apprentices be able, without the help of the ſaid Journeyman or Journeymen to diſcharge his own Work, upon pain of ſuch puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

XXI. *Item*, The Court doth Declare, That if the Maſter and Wardens of the Company of Stationers, or any of them, ſhall refuſe or neglect to go along with any honeſt and ſufficient Journyman-Printer, ſo deſiring their aſſiſtance, to find him imployment, upon complaint and proof made thereof, he or they ſo offending, ſhall ſuffer impriſonment, and ſuch other puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed. But in caſe any Maſter-Printer hath more imployment than he is able to diſcharge with help of his Apprentice or Apprentices, it ſhall be lawful for him to require the help of any Journyman or Journymen-Printers, who are not imployed; and if the ſaid Journyman or Journymen-Printers ſo required, ſhall refuſe imployment, or neglect it when he or they have undertaken it, he or they ſhall ſuffer impriſonment, and undergo ſuch puniſhment as this Court ſhall think fit.

XXII. *I-*

XXII. *Item*, The Court doth hereby Declare, That it doth not hereby reſtrain the Printers of either of the Univerſities from taking what number of Apprentices for their Service in Printing there, they themſelves ſhall think fit. Provided always, that the ſaid Printers in the Univerſities ſhall imploy all their own Journymen within themſelves, and not ſuffer any of their ſaid Journymen to go abroad for Imployment to the Printers of *London*, (unleſs upon occaſion ſome Printers of *London* deſire to imploy ſome extraordinary Workman or Workmen amongſt them, without prejudice to their own Journymen, who are Freemen) upon ſuch penalty as the Chancellor of either of the Univerſities for the time being, ſhall think fit to inflict upon the Delinquents herein.

XXIII. *Item*, That no Maſter-Printer ſhall imploy either to work at the Caſe, or the Preſs, or otherwiſe about his Printing, any other perſon or perſons, than ſuch onely as are Free-men, or Apprentices to the Trade or Myſtery of Printing, under pain of being diſabled for ever after to keep or uſe any Preſs or Printing-houſe, and ſuch further puniſhment as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed.

XXIV. *Item*, The Court doth hereby Declare their firm reſolution, that if any perſon or perſons that is not an allowed Printer, ſhall hereafter preſume to ſet up any Preſs for Printing, or ſhall work at any ſuch Preſs, or Set, or Compoſe any Letters to be wrought by any ſuch Preſs; he or they ſo offending, ſhall from time to time, by the Order of this Court, be ſet in the Pillory, and Whipt through the City of *London*, and ſuffer ſuch other puniſhment, as this Court ſhall Order or think fit to inflict upon them, upon complaint or proof of ſuch offence or offences, or ſhall be otherwiſe puniſhed, as the Court of High Commiſſion ſhall think fit, and is agreable to their Commiſſion.

XXV. *Item*, That for the better diſcovery of Printing in Corners without Licence; The Maſter and Wardens of the Company of Stationers for the time being, or any two licenſed Maſter-Printers, which ſhall be appointed by the Lord Arch-biſhop of *Canterbury*, or Lord Biſhop of *London* for the time being, ſhall have power and authority to take unto themſelves ſuch aſſiſtance as they ſhall think needful, and to ſearch what Houſes and Shops (and what time they ſhall think fit) eſpecially Printing-houſes, and to view what is in Printing, and to call for the Licence to ſee whether it be licenſed or no; and if not, to ſeize upon ſo much as is printed, together with the ſeveral Offenders, and to bring them before the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London* for the time being, that they or either of them may take ſuch further Order therein as ſhall appertain to Juſtice.

XXVI. *Item*, The Court doth Declare, that it ſhall be lawful alſo for the ſaid Searchers, if upon Search they find any Book or Books, or part of Book or Books, which they ſuſpect to contain matter in it or them, contrary to the Doctrine and Diſcipline of the Church of *England*, or againſt the State and Government, upon ſuch ſuſpicion to ſeize upon ſuch Book or Books, or part of Book or Books, and to bring it, or them to the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London*

for the time being, who ſhall take ſuch further courſe therein, as to their Lordſhips, or either of them ſhall ſeem fit.

XXVII. *Item*, The Court doth Order and Declare, That there ſhall be four Founders of Letters for Printing allowed, and no more; and doth hereby nominate, allow, and admit theſe perſons, whoſe names hereafter follow, to the number of four, to be Letter-Founders for the time being, (*viz.*) *John Griſmand*, *Thomas Wright*, *Arthur Nichols*, *Alexander Fifield*. And further, the Court doth Order and Decree, that it ſhall be lawful for the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London* for the time being, taking unto him or them, ſix other High Commiſſioners, to ſupply the place or places of thoſe who are now allowed Founders of Letters by this Court, as they ſhall fall void by Death, Cenſure, or otherwiſe.

Provided, that they exceed not the number of four, ſet down by this Court. And if any perſon or perſons, not being an allowed Founder, ſhall notwithſtanding take upon him or them, to Found or Caſt Letters for Printing, upon complaint and proof made of ſuch offence or offences, he or they ſo offending, ſhall ſuffer ſuch puniſhment as this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall think fit to inflict upon them.

XXVIII. *Item*, That no Maſter-Founder whatſoever, ſhall keep above two Apprentices at one time, neither by Copartnerſhip, Binding at the Scriveners, nor any other way whatſoever; neither ſhall it be lawful for any Maſter-Founder, when any Apprentice or Apprentices, ſhall run or be put away, to take another Apprentice, or other Apprentices in his or their place or places, unleſs the name or names of him or them ſo gone away, be raſed out of the Hall Book of the Company whereof the Maſter-Founder is Free, and never admitted again, upon pain of ſuch puniſhment, as by this Court, or the High Commiſſion reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed.

XXIX. *Item*, That all Journymen-Founders be imployed by the Maſter-Founders of the ſaid Trade, and that idle Journymen be compelled to work after the ſame manner, and upon the ſame penalties, as in caſe of the Journymen Printers is before ſpecified.

XXX. *Item*, That no Maſter-Founder of Letters ſhall imploy any other perſon or perſons in any work belonging to the Caſting or Founding of Letters, than ſuch onely as are Free-men or Apprentices to the Trade of Founding Letters, ſave onely in the pulling off the Knots of Metal hanging at the ends of the Letters when they are firſt Caſt, in which Work it ſhall be lawful for every Maſter-Founder to imploy one Boy only that is not, nor hath been bound to the Trade of Founding Letters, but not otherwiſe, upon pain of being for ever diſabled to uſe or exerciſe that Art, and ſuch further puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed.

XXXI. *Item*, That every perſon or perſons whatſoever, which ſhall at any time or times hereafter, by his or their confeſſion, or otherwiſe by proof be convicted of any of the offences, by this, or any other Decree of this

this Court made, ſhall before ſuch time as he or they ſhall be diſcharged, and over and above their Fine and puniſhment, as aforeſaid, be bound with good Sureties, never after to tranſgreſs, or offend in that or the like kind, for which he or they ſhall be ſo convicted and puniſhed, as aforeſaid; And that all and every the Forfeitures aforeſaid (excepting all Seditious Schiſmatical Books or Pamphlets, which this Court doth hereby Order to be preſently burnt) And except ſuch Books as the Forfeitures are already granted by Letters Patents, ſhall be divided and diſpoſed of, as the High Commiſſion Court ſhall find fit. Always providing that one moitie be to the King.

XXXII. *Item*, That no Merchant, Maſter, or Owner of any Ship or Veſſel, or any other perſon or perſons whatſoever, ſhall hereafter preſume to land, or put on Shore any Book or Books, or the part of any Book or Books to be imported from beyond the Seas, in any Port, Haven, Creek, or other place whatſoever, within the Realm of *England*, but only in the Port of the City of *London*, to the end the ſaid Books may there be viewed, as aforeſaid: And the ſeveral Officers of his Majeſties Ports are hereby required to take notice thereof.

XXXIII. *Item*, That whereas there is an Agreement betwixt Sir *Thomas Bodley* Knight, Founder of the Univerſity Library at *Oxford*, and the Maſter, Wardens, and Aſſiſtants of the Company of Stationers, (*viz.*) That one Book of every ſort that is new printed, or re-printed with Additions, be ſent to the Univerſity of *Oxford* for the Uſe of the Publick Library there; The Court doth hereby Order and Declare, That every Printer ſhall reſerve one Book new printed, or reprinted by him with Additions; and ſhall before any publick venting of the ſaid Book, bring it to the Common Hall of the Company of Stationers, and deliver it to the Officer thereof, to be ſent to the Library at *Oxford* accordingly, upon pain of Impriſonment, and ſuch further Order and Direction therein, as to this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

FINIS.

AN

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